DOCUMENT RESUME

ED 435 782 UD 033 188

TITLE	The Changing Nature of Youth Violence. Hearing before the Subcommittee on Youth Violence of the Committee on the Judiciary. United States Senate, One Hundred Fourth Congress, Second Session on Examining the Current State of Youth Violence, Focusing on Its Changing Nature and Juvenile Intervention Programs Designed To Prevent Increased Violence (February 28, 1996).
INSTITUTION	Congress of the U.S., Washington, DC. Senate Committee on the Judiciary.
REPORT NO	Senate-Hrg-104-771
ISBN	ISBN-0-16-054163-8
PUB DATE	1997-00-00
NOTE	88p.; Serial No. J-104-66.
AVAILABLE FROM	U.S. Government Printing Office, Superintendent of Documents, Congressional Sales Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Adolescents; Black Students; *Crime; *Delinquency; Elementary Secondary Education; Federal Government; Government Role; Hearings; *Juvenile Justice; Legislators; Outreach Programs; Religion; *Violence
IDENTIFIERS	Congress 104th; Juvenile Justice Delinquency Prevention Act 1974

ABSTRACT

This hearing examined the current state of youth violence, focusing on its changing nature and juvenile intervention programs designed to prevent increased violence. Opening statements by Senators Fred Thompson, Herbert Kohl, and Joseph R. Biden addressed the seriousness of the problem. Two panels contributed prepared statements. The first panel included James Alan Fox, Dean, College of Criminal Justice, Northeastern University, Boston, MA; Alfred Blumstein, Professor, the Heinz School, Carnegie Mellon University, Pittsburgh, PA; John J. Dilulio, Jr., Director, Center for Public Management, Brookings Institution, Washington, DC; and Eugene F. Rivers, III, Fellow, Center for the Study of Values and Public Life, Harvard Divinity School, and Pastor, Azusa Christian Community, Dorchester, MA. The second panel included the Honorable Carol Kelly, Circuit Court Judge, Oak Park, IL; the Honorable C. Van Deacon, Jr., General Services and Juvenile Circuit Court Judge, Bradley County, TN; Thomas P. Gordon, former Chief of Police, New Castle County, DE; and Steven Hare, Faith City Baptist Church, Newark, DE. (SM)

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S. HRG. 104–771

THE CHANGING NATURE OF YOUTH VIOLENCE

ED 435 782

HEARING

BEFORE THE

SUBCOMMITTEE ON YOUTH VIOLENCE

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

EXAMINING THE CURRENT STATE OF YOUTH VIOLENCE, FOCUSING ON ITS CHANGING NATURE AND JUVENILE INTERVENTION PROGRAMS DESIGNED TO PREVENT INCREASED VIOLENCE

FEBRUARY 28, 1996

Serial No. J–104–66

Printed for the use of the Committee on the Judiciary

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U.S. GOVERNMENT PRINTING OFFICE
37–942 WASHINGTON : 1997

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-054163-8

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CONTENTS

STATEMENTS OF COMMITTEE MEMBERS

	Page
Thompson, Hon. Fred, U.S. Senator from the State of Tennessee	1
Kohl, Hon. Herbert, U.S. Senator from the State of Wisconsin	2
Biden, Hon. Joseph R., Jr., U.S. Senator from the State of Delaware	4

CHRONOLOGICAL LIST OF WITNESSES

Panel consisting of James Alan Fox, dean, College of Criminal Justice, Northeastern University, Boston, MA; Alfred Blumstein, professor, the Heinz School, Carnegie Mellon University, Pittsburgh, PA; John J. DiIulio, Jr., director, Center for Public Management, Brookings Institution, Washington, DC; and Eugene F. Rivers III, fellow, Center for the Study of Values and Public Life, Harvard Divinity School, and pastor, Azusa Christian Community, Dorchester, MA	6
Panel consisting of Hon. Carol Kelly, circuit court judge, Oak Park, IL; Hon. C. Van Deacon, Jr., general services and juvenile court judge, Bradley County, TN; Thomas P. Gordon, former chief of police, New Castle County, DE; and Steven Hare, Faith City Baptist Church, Newark, DE	45

ALPHABETICAL LIST AND MATERIAL SUBMITTED

Blumstein, Alfred:	
Testimony	15
Prepared statement	17
Deacon, Judge C. Van:	
Testimony	50
Prepared statement	53
DiIulio, John J.:	
Testimony	21
Prepared statement	23
Fox, James Alan:	
Testimony	6
Prepared statement	9
Gordon, Thomas P.:	
Testimony	59
Prepared statement	64
Hare, Steven:	
Testimony	66
Prepared statement	68
Kelly, Judge Carol:	
Testimony	45
Prepared statement	48
Rivers, Eugene F., III:	
Testimony	25
Prepared statement	27

THE CHANGING NATURE OF YOUTH VIOLENCE

WEDNESDAY, FEBRUARY 28, 1996

U.S. SENATE,
SUBCOMMITTEE ON YOUTH VIOLENCE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:03 a.m., in room SD–226, Dirksen Senate Office Building, Hon. Fred Thompson (chairman of the subcommittee), presiding.

Also present: Senators Biden and Kohl.

OPENING STATEMENT OF HON. FRED THOMPSON, A U.S. SENATOR FROM THE STATE OF TENNESSEE

Senator THOMPSON. Good morning. The Subcommittee on Youth Violence will come to order. We are dealing here today with something that, if it is not the most serious problem facing our Nation in the next several years, it is certainly one of them. Hopefully we can use this forum to do several things, not the least of which is serve as a bully pulpit to draw attention to the magnitude of the problem that is facing us and the task that we have before us.

Many of us here are trying extremely hard to balance the budget. We are trying to restore people's faith in government and do quite a few other beneficial things. But if youth violence continues to increase over the next decade or two at the same rate it has in the past, I am not sure that many of these other things are going to make a whole lot of difference because we are going to be engulfed in social problems that we are not going to be able to handle.

Over the past 10 years, the homicide rate among teenagers has nearly tripled. Arrests of youths 14 to 17 have increased by almost 50 percent in just 5 years. These increases have occurred at a time when the population of teenagers has actually declined.

The Subcommittee on Youth Violence today begins a series of hearings in Washington on reauthorization of the Juvenile Justice and Delinquency Prevention Act, which was first enacted in 1974. The subcommittee held two field hearings in Memphis and Nashville earlier this month. Those hearings explored local and State solutions to youth violence.

Memphis, for example, has taken a close look at what it has done and what needs to be done to address the problem by commissioning the Memphis Crime Report. One of the coauthors of that report, Dean James Fox, is here today. The citizens of Memphis are not waiting for the government to act, however. Many citizens are working at the local level to prevent violence, and even the young

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people are working themselves to solve the problem. In Nashville, the subcommittee learned what the States are trying and the new approaches to youth violence. Many of them are working well. Those hearings also raised questions about the effectiveness of Federal efforts to combat youth violence.

Today, we will discuss the changing nature of youth violence. Without doubt, the kinds of crimes that young people commit today, the age of the offenders committing those crimes, the location of those crimes, both urban and rural, and the sheer number of offenses all differ dramatically from the problems that the Juvenile Justice and Delinquency Prevention Act was enacted in 1974 to address. The law has changed only a little since then. The basic philosophy remains, while the problem it is designed to affect has changed.

Our witnesses today include three leading academics on youth violence who will testify concerning the changes in crime and demographics over the years, why those changes have happened, and where this country is headed if we do not alter our course. Then we will hear from juvenile judges who will relate the changing nature of their caseload. Some of their testimony is truly shocking, and we will hear from clergy and law enforcement who have seen youth violence on the front lines, how it has changed over the years, and what we can do, hopefully, to keep youth violence from spiraling further out of control.

Part of what we are dealing with here is what is the proper role of government. It is an area that we are addressing in several different areas in this Congress. Specifically, what is the proper role of the Federal Government? What can be done? Many people think that the problem is so pervasive and so fundamental that we are going to have to attack it at every age group, at every level of government, and by private resources as well. How best can the money at the Federal level be spent? How effective have Federal efforts been? All of those are questions that hopefully we can address.

Senator Kohl has been a leader in this area for some time now and I would like to call on him for any opening statement that he might have.

STATEMENT OF HON. HERBERT KOHL, A U.S. SENATOR FROM THE STATE OF WISCONSIN

Senator KOHL. Well, I thank you very much, Senator Thompson. As we begin to reauthorize the Juvenile Justice and Delinquency Prevention Act, I am glad to see you moving this process forward. I look forward to working with you, Senator Thompson, to ensure that the Juvenile Justice Act effectively protects communities from violent young criminals, while helping at-risk children avoid a life of crime.

The need for targeted efforts against juvenile crime has never been more clear. Despite an overall slowing of violent crime in recent years, juvenile crime has skyrocketed. For example, while the number of adult murder arrests stayed relatively flat nationwide between 1989 and 1993, juvenile arrests for murder jumped 50 percent in that same period. In my own State of Wisconsin, this increase in violent juvenile crime has been even more dramatic. Juvenile murder arrests went from 14 in 1988 to 118 in 1993, an

eightfold increase in just 5 years, before dropping to just under 100 in 1994. Demographic changes will only accelerate this frightening trend.

So our challenge is clear, and while the solutions will not come easily, we should commit ourselves to several fundamental principles. First, the violent juvenile crimes that we all fear the most, like murder, rape and armed assault, are typically committed by a small number of hardcore offenders, less than 10 percent of all arrested juveniles. We must treat these people differently than other young people who have gone astray because society must be protected from dangerous criminals regardless of their age. Hardcore violent juveniles should not be shuffled through a revolving door, in one day and out the next. The Juvenile Justice Act must work toward this goal.

Second, if we are to be both tough and smart, we need to recognize that violent young people do not sprout out of the ground like weeds. They learn violence over time, in the home, on the streets, and in the juvenile justice system. Our challenge is to turn them around before they cross the line and become hardcore criminals and gang members. As Dean James Fox, one of our witnesses here today, put it, "It is far easier and considerably less expensive to build a child than to rebuild a teen."

Third, we must recognize the role that guns play in the dramatic increase in juvenile violence because kids who once fought with fists and sticks are now using guns. It happened in suburban Milwaukee just last year when a principal was shot and killed by a former student, and it also happened in Linden, TN, when a 17-year-old went into his high school with a gun and killed a teacher and another student.

But more disturbing than these single outbreaks of violence are reports on the number of children who carry guns to school. The Centers for Disease Control found that 1 in 12 students carried a gun to school at least 1 day each month. Yet, by using Federal law, the Gun-Free School Zones Act, Texas implemented a very successful program that reduced the incidence of violence in their schools.

Our challenge is to build on that success throughout the country with a flexible partnership among Federal, State, and local institutions. To ensure this flexibility, I will soon introduce legislation that would loosen the act's colocation requirements, while guaranteeing continued sight and sound separation of juveniles from adults.

To make sure that States have the funding they need to incarcerate violent juvenile offenders, Senator Specter and I have introduced the Juvenile Corrections Act which would set aside funding for much needed juvenile detention facilities. He and I have also worked together on legislation to ensure the constitutionality of gun-free school zones because both State and Federal prosecutors should have the power to use this proven law. To help steer kids away from a life of crime, we must also make sure that crime prevention remains a part of the Juvenile Justice Act.

Mr. Chairman, supporters of granting more power to the States have a point, to be sure. Almost all juvenile prosecutions are at the State level and at the local level, but that does not mean that we should convert the Federal Government into a giant automated

teller machine that simply disburses block grants with no accountability. The citizens who elected us expect and deserve better than that, especially when dealing with our young people.

We must find a balance between Federal and State responsibility, enforcement, and prevention. As the Juvenile Justice and Delinquency Prevention Act moves into its third decade, I am confident that we can achieve this balance, and so I look forward to working together with the chairman and Senator Biden to make the promises of the Juvenile Justice Act become a reality.

Thank you, Mr. Chairman.

Senator THOMPSON. Thank you very much, Senator Kohl.

Senator Biden.

STATEMENT OF HON. JOSEPH R. BIDEN, JR., A U.S. SENATOR FROM THE STATE OF DELAWARE

Senator BIDEN. Mr. Chairman, thank you very much for convening this hearing, and I want to publicly thank you and Senator Kohl. Senator Kohl has been deeply involved in juvenile justice issues. As a matter of fact, the first week I met him after he got here in the Senate and wanted to be on the Judiciary Committee—I don't know whether he wanted to be, but he ended up on the Judiciary Committee. I think he wanted to be.

The first thing, he came to me and asked me about whether he could work in this field and whether or not—that was back in the bad old days when I was chairman—and whether or not he could be involved, and he has taken the lead in this area on our side.

Mr. Chairman, not that you need me to say anything nice about you, but the truth of the matter is you have had a keen interest from the day you got here in this area, and I think it is about time we start to focus the Nation's attention on what I think is the next wave of a problem. Crime is down nationally, but crime is up among juveniles. Drug use is down nationally; it is up among juveniles.

We have 39 million children under the age of 10 years old in the United States of America. I don't have the exact statistics, and I will ask unanimous consent that my entire statement be put in the record in a moment, but roughly 25 to 30 percent of those 39 million children are going to be raised in households where a man will never darken the doorway, where there will never be a male figure.

That is not to suggest that single women can't raise children and can't raise them well. It is to suggest that it is harder. It is to suggest that it is more difficult. It is to suggest that we have got a baby boomerang that is about to hit, like the baby-boomers like me who are now turning—actually, I am just outside the baby-boomers. I am 53, so I didn't quite qualify, but the baby-boomers who are now reaching senior status—well, we have got a new boomlet coming along and it doesn't bode well, in my view, that we are not spending the time, we do not have the answers, the strategies, in place now locally, federally, or civilly or in the civil community, unrelated to government, to deal with this.

So I truly thank you, Mr. Chairman, for taking on an extremely serious issue. I think we are going to have a year or two or three, maybe, of debate, but we don't have much more time than that. We don't have much more time than that in order to begin to deal with

strategies that, in fact, are going to positively impact upon keeping these kids out of the crime and drug stream.

So, Mr. Chairman, I thank you again for holding this hearing, and I would ask unanimous consent that the brilliant statement that my staff wrote that, if I had read it, would have been better than what I said, be entered in the record at this point. I look forward to hearing from our witnesses and the second panel as well.

Senator THOMPSON. Thank you, Senator Biden. Without objection, it will be made a part of the record.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR JOSEPH R. BIDEN, JR.

In recent years we have seen some important and heartening decreases in overall violent crime rates. In fact, over the past decade the violent crime rate—best reflected in the homicide rate—for adults over the age of 25 has actually decreased by 20 percent. This is certainly a positive sign.

Unfortunately, this decrease does not hold true for youth and young adults. In fact, there are now two different and conflicting crime trends taking place in our Nation.

While the crime rate for adults 25 and over has decreased in recent years, the juvenile crime has grown alarmingly—the homicide rate among 18- to 24-year-olds increased 65 percent—and the rate for 14- to 17-year-olds increased 165 percent.

The reality is that despite the fact that males between the ages of 14 to 24 are a small percent of the population—7 percent in 1994—these males commit nearly half of all murders.

At the same time the rate of violent crime committed by children is rising, we also face a rising number of children. With this combination of factors before us, the recent declines in overall crime rates offer cold comfort.

Today, our Nation has 39 million children under the age of 10—the greatest number of young children our Nation has seen since the 1960's. If even a fraction—even a percentage exactly the same as today—of this number become violent teenagers, we will see a huge surge of violent crime.

The projections of Professor James Fox—one of our witnesses here today—are sobering. Professor Fox projects that even if the rate of juvenile violence stops its increase and simply holds constant—in 10 short years our Nation will suffer a 20-percent increase in the number of juvenile murderers. Instead of roughly 4,000, there will be approximately 5,000 juveniles who have committed murder by the year 2005.

Unfortunately, the work of another of our witnesses today indicates that the percentage is unlikely to remain constant. Professor Blumstein's data shows that from 1965 to 1985, American's murder rate generally corresponded to the percentage of 18- to 24-year-olds—as their percentage grew, the total murder rate increased; and as their percentage subsided, the national murder rate declined.

But, after 1985, that changed. Despite the fact that the percentage of the national population between the ages of 18 and 24 fell significantly, the national murder rate shot upward. If this trend continues, both the number of peak crime age men and the amount of violence per offender will grow—with devastating results.

The numbers are staggering—39 million Americans are now younger than 10 years of age. As this demographic bulge marches its way through our population in the years ahead, these 39 million youngsters will reach their late teens and twenties, the prime ages for involvement in drug abuse, crime, and violence.

What happens to our Nation if the 10- to 20-year-olds of 2005 are committing crimes at the same rate as 10- to 20-year-olds today? What about in 2010? or 2015? or 2020?

In short, our Nation stands on the edge of another explosive pathology. We must begin to face this new reality and take steps to change the direction in which we are headed, if we are to save our future generations.

It is imperative that we act now if we are to turn around the current trend toward more crime and more violence by our young people. This means focusing quickly on the risks confronting our youth, identifying practical steps our communities can take to reduce these risks, and committing ourselves to the hard work and resources needed to steer young people to productive lives instead of wasted lives.

We must reform our juvenile justice system in two key areas—first, we must change the way we deal with violent juveniles;

Second and just as important, we must change the way we deal with the first-time, nonviolent, even nonserious juveniles.

A comprehensive effort against juvenile crime must address the following key elements. First, we must help States hold violent juveniles accountable for their acts. Reform is needed in how we treat the criminal records of violent juveniles, of how long the States can keep these offenders in custody, of how these offenders must be housed while in prison.

All juveniles who break the law must be subject to certain punishment. Today, juveniles are often arrested time and again without consequences, until the juvenile has been swept so far into the "crime stream" that there is no other recourse but locking the juvenile away for years.

This must change. Consequences must be certain and immediate for all offenders. Doing so will require that we make available many more punishment options—so we can focus on children after they have committed their first minor offense and not wait until they have committed their fifth, tenth, or twentieth violent crime.

We must also use the juvenile justice system as a tool for identifying those children who are at-risk of crime in the future. This includes children who commit "status offenders"—offenses which are criminal because they are committed by minors.

We must intervene with children who are abusing alcohol, chronically truant, and those who have been deemed "ungovernable" because their parents can no longer control their behavior.

We must recognize that keeping a child from starting crime throughout his or her mid to late teens means that they are not likely to ever fall into the crime system.

We must also focus on the drugs and the guns that accompany drug trafficking which have fueled an unprecedented surge or violence committed by children.

This hearing is a first step in renewing our efforts to save our Nation, our communities, and our children from crime. We must begin by ensuring that our children are safe—safe from both the temptation of crime and safe from those who commit crime.

We must protect our children through meaningful prevention and intervention programs, a crack down on drugs and the violence that accompanies them, and we must insure that meaningful, appropriate, and swift punishment is imposed on all juvenile offenders.

I look forward to hearing from our witnesses today, all of whom are experts on various aspects of youth and crime and violence. I hope to learn from you how we can best accomplish these goals.

Senator THOMPSON. We will proceed with our witnesses as they are listed here: Dr. James Alan Fox, dean, College of Criminal Justice, Northeastern University, Boston, MA.

PANEL CONSISTING OF JAMES ALAN FOX, DEAN, COLLEGE OF CRIMINAL JUSTICE, NORTHEASTERN UNIVERSITY, BOSTON, MA; ALFRED BLUMSTEIN, PROFESSOR, THE HEINZ SCHOOL, CARNEGIE MELLON UNIVERSITY, PITTSBURGH, PA; JOHN J. DiIULIO, JR., DIRECTOR, CENTER FOR PUBLIC MANAGEMENT, BROOKINGS INSTITUTION, WASHINGTON, DC; AND EUGENE F. RIVERS III, FELLOW, CENTER FOR THE STUDY OF VALUES AND PUBLIC LIFE, HARVARD DIVINITY SCHOOL, AND PASTOR, AZUSA CHRISTIAN COMMUNITY, DORCHESTER, MA

STATEMENT OF JAMES ALAN FOX

Mr. FOX. Thank you, Senator. Regards from Ira Lipman, one of your constituents.

Senator THOMPSON. Oh, yes.

Mr. FOX. Senator Biden, we will make you an honorary baby-boomer.

Senator BIDEN. Well, thank you. I was born in November of 1942; I missed by about 2 months.

Mr. FOX. Senators, I suspect that for years to come, 1995 may be known as the year of the great crime drop. News journalists from around the country and across the globe have been writing about the reasons why the United States now seems like a much

safer place to live. Well, there is much more to this great crime drop story and the news is not all good. Hidden beneath the overall decline in crime is an epidemic of youth violence that is likely to worsen in the years ahead. If anything, this is the calm before the crime storm.

Now, there are actually two crime trends going on in America and they are going in opposite directions, one for the mature and one for the kids. As you see here, since 1985—and I know this is difficult to see, so you do have these charts in the prepared statement—since 1985, the rate of killing among adults 25 and older has been dropping. In fact, it has dropped 25 percent as we baby-boomers have matured past our crime prime years. At the same time, however, the rates among the young have been skyrocketing.

Most alarming and tragic is that murder is now reaching down to a much younger age group to children as young as 14. The rate of killing by teenagers 14 to 17, shown in the red there, which at one time was very low, as soared. It has increased 172 percent since 1985. Another way to look at it is that teenagers now represent a smaller percent of the U.S. population, but a larger percentage of the murderers and the murder victims. You see in blue that they have dropped from about 8 percent of the population to about 5 percent, but they have certainly taken over a larger chunk of our murder problem.

So in the overall crime mix, therefore, particularly during these recent years of the great crime drop, a sharp decline in crime among an expanding adult population, the 65 million baby-boomers in middle age, has been overshadowing a soaring rate of violence among a shrinking population of teenagers.

Now, this is not just for homicide. As you will see in my prepared statement, the arrest rates for all violent crimes among teenagers have now soared. Teenagers have taken over first place—highest rate of arrests for violent crime taken over for the young adults. The traditional, conventional wisdom in criminology that young adults lead the pack in terms of their arrest rate for violent crime needs to be modified. It is now, unfortunately, the teenagers who lead—a very dubious distinction.

Now, the surge in youth crime, of course, reaches well beyond demographics. There have been tremendous changes in the context of crime which explain why this generation of youth, the young and the ruthless, is much more violent than any other generation before it. This generation of kids has much more dangerous drugs in their bodies, much more deadly weapons in their hands, and a seemingly much more casual attitude about violence.

The problem of kids and guns cannot be overstated. As you see here, the number of teenagers who have killed with a gun—it is in red—and with a hand gun, in particular, has quadrupled over the past 10 years, while the number of kids who have killed with all other weapons combined has remained virtually constant. The entire increase is with kids with guns.

Now, while the negative forces of drugs, guns, gangs, and even the media have grown more threatening in the lives of our kids, the positive forces of family, school, religion, and neighborhood have grown weak and ineffective. Increasingly, children are being raised in home disrupted by divorce or economic stress. In fact, at

this juncture in America, 57 percent of children do not have full-time parental supervision. They either live with a single working parent who works full time or in a dual-career household where both parents work full time.

Now, of course, many of these kids have adequate substitute supervision in terms of day care, relatives, neighbors, but many of them do not. I don't mean to imply any special blame here on parents and working mothers, in particular. Most parents are well meaning and would like to have a greater role in the upbringing of their children, if only they could. However, they lack the support to control and guide their children. We should be assisting parents, not assailing them.

Now, the problem of unsupervised youth is not just a matter of the changing family. Because of the deep cuts in funding for programs for youth, our kids spend too much time hanging out or watching a few savage killings on television. Bored and idle, these kids have just too much time to kill, perhaps literally.

In fact, these data are reflected in the time of day when juvenile crimes occur. The prime time for juvenile crime is not in the midnight, wee hours when many communities think they need curfew laws, but it is after school. The crime rates peak then. That is when kids are unsupervised.

Now, I have given you the bad news. Now, for the really bad news. The really bad news is the result of this baby boomerang effect that Senator Biden mentions—there are indeed 39 million children in this country under the age of 10. This is more young children than we have had ever since the original baby-boomers were kiddies and in grade school, and this newest group of youngsters will be teenagers before you can say "juvenile crime wave."

Ironically and tragically, the number of killings among our teenagers has soared, in the blue, as the population of teenagers has been dropping in the solid red there. But things will now be changing. We are now seeing, because of this baby boomerang effect, a 14-percent increase over the next 10 years in the population of teenagers, and an even larger increase among black children, 17 percent, and a 30-percent increase among Hispanic teenagers. Given that many of these children grow up in conditions of poverty, with inferior schools and violence-torn neighborhoods, many more kids will be at risk in the years ahead.

Now, if current rates of offending continue unchanged, if things stay the same, the rate of killing among teenagers will still rise. In fact, you see there in the dotted red, the bottom dotted red, that if the rates of offending remain the same, the number of teenage killers, known and estimated, will increase from about 4,000 a year that we have now to about 5,000 a year in the year 2005 just because of demographic shifts.

But not all else is equal. Given the worsening conditions in which our children are being raised and given the breakdown of all of our institutions, as well as our cultural norms, and our overall disinvestment in youth, many more than 5,000 kids may commit murder as we move into the next century. It may get so bad that we will look back at 1995 and say those were the good old days.

Now, the hopeful news, if there is any, and I do think there is, is that there is still time to stem the tide, to prevent this next wave

of youth crime, but we must act now by reinvesting in schools, after-school programs, preschool programs, recreation, job training, support for families, and mentoring. We must act now while this baby boomerang generation is still young and impressionable and will be impressed by what a teacher, a preacher, or some other authority figure has to say. If we wait, however, much longer and this next crime wave is upon us, it may be much too late to do anything about it. I will repeat the words that were quoted. It is indeed far cheaper and much more effective to build a child than to rebuild a teenager.

Thank you.

Senator THOMPSON. Thank you very much, Dr. Fox.

[The prepared statement of Mr. Fox follows:]

PREPARED STATEMENT OF JAMES ALAN FOX

THE IMPENDING YOUTH CRIME WAVE

Based on countless media reports in newspapers from coast to coast, it would surely seem that we have finally gotten a handle on the nation's crime problem. Some even dare to suggest that we're winning the war against crime.

Last Fall, the FBI released its crime statistics for 1994, revealing a continued drop in violent crime, including a 5 percent decline in homicide. More recently, the FBI announced that the number of homicides in America had plunged 12 percent during the first half of 1995, which was likely a result of declines in several major U.S. cities, including New York, Houston, Chicago, Detroit and Los Angeles.

Though recent trends are encouraging, at least superficially, there is little time to celebrate these successes. It is doubtful that today's improving crime picture will last for very long. This is the calm before the crime storm.

While many police officials can legitimately feel gratified about the arrested crime rate, there is more to the story. Hidden beneath the overall drop in homicide and other violent crimes is a soaring rate of mayhem among teenagers.

As shown in Figure 1, there are actually two crime trends ongoing in America—one for the young and one for the mature, which are moving in opposite directions. Since 1985, the rate of homicide committed by adults, ages 25 and older, has declined 25 percent as the baby-boomers matured well past their crime prime years. At the same time, however, the homicide rate among 18–24-year-olds has increased 61 percent.

Even more alarming and tragic, homicide is now, like never before, reaching down to a much younger age group—children as young as 14–17. Over the past decade, the rate of homicide committed by teenagers, ages 14–17, has more than doubled, increasing 172 percent from 1985 to 1994. Therefore, while the overall U.S. homicide rate has declined in recent years, the rate of juvenile homicide continues to grow. In the overall crime mix, the sharp decline in crime among the large adult population has eclipsed the soaring crime rate among the relatively small population of teens.

Trends in age-specific violent arrest rates for homicide, rape, robbery and aggravated assault combined, displayed in Figure 2, support the patterns found in homicide statistics. Teenagers now exceed young adults in their absolute rate of arrest for violent crime overall. Conventional wisdom in criminology—that young adults generally represent the most violence-prone group—apparently needs to be modified in light of these disturbing changes.

The causes of the surge in youth violence since the mid-1980s reach, of course, well-beyond demographics. There have been tremendous changes in the social context of crime over the past decade, which explain why this generation of youth—the young and the ruthless—is more violent than others before it. Our youngsters have more dangerous drugs in their bodies, more deadly weapons in their hands and a seemingly more casual attitude about violence.

It is clear that too many teenagers in this country, particularly those in urban areas, are plagued with idleness and even hopelessness. A growing number of teens and preteens see few feasible or attractive alternatives to violence, drug use and gang membership. For them, the American Dream is a nightmare: There may be little to live for and to strive for, but plenty to die for and even to kill for.

The problem of kids with guns cannot be overstated in view of recent trends in gun-related killings among youth. As shown in Figure 3, since the mid-1980s, the

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number of gun-homicides—particularly with handguns—perpetrated by juveniles has quadrupled, while the prevalence of juvenile homicide involving all other weapons combined has remained virtually constant.

Guns are far more lethal in several respects. A 14-year-old armed with a gun is far more menacing than a 44-year-old with a gun. Although juveniles may be untrained in using firearms, they are more willing to pull the trigger over trivial matters—a leather jacket, a pair of sneakers, or no reason at all—without fully considering the consequences. Also, the gun psychologically distances the offender from the victim; if the same youngster had to kill his or her victim (almost always someone known) with hands, he or she might be deterred by the physical contact.

While the negative socializing forces of drugs, guns, gangs and the media have become more threatening, the positive socializing forces of family, school, religion and neighborhood have grown relatively weak and ineffective. Increasingly, children are being raised in homes disrupted by divorce or economic stress; too many children emerge undersocialized and undersupervised. Too many of them do not have the benefit of a strong, positive role model in their lives.

At this juncture, as many as 57 percent of children in America do not have full-time parental supervision, either living with a single parent who works full-time or in a two-parent household with both parents working full-time. The lack of parental supervision for young children is nearly as great. As many as 49 percent of children under age six do not have the benefit of full-time parenting. While some children enjoy suitable, substitute supervision provided by friends and relatives or in day-care, far too many do not.

I do not mean to imply any special blame on the part of parents, and mothers in particular. While some parents are terribly ill-prepared for the task of raising children, most parents are well-meaning and would like to have a greater role in their children's lives. However, many families lack the support to control and guide their children. We should assist parents, not assail them.

The problem of unsupervised youth does not end nor the solution necessarily begin with the breakdown of the traditional family. Because of deep funding cuts in support programs for youth—from after-school care to recreation, from mentoring to education—as a society, we are missing the fleeting opportunity to compensate for the diminished role of the family. As a consequence, children spend too little time engaged in structured activity with positive role models, and too much time "hanging out" or watching a few savage killings on television. Bored and idle, our children have just too much time to kill.

The problem of unsupervised youth is clearly reflected in the time-of-day patterns of juvenile violence. As shown in Figure 4, the prime-time for juvenile crime is during the after-school hours, and certainly not after midnight when curfew laws might be contemplated.

As if the situation with youth violence was not bad enough already, future demographics are expected to make matters even worse. Not only are today's violent teens maturing into more violent young adults, but they are being succeeded by a new and larger group of teenagers. The same massive baby-boom cohort that as teenagers produced a crime wave in the 1970s has since grown up and has had children of their own. There are now 39 million children in this country under the age of ten, more young children than at any time since the original baby-boomers were in grade school. This newest group of youngsters will soon reach their adolescence.

By the year 2005, the number of teens, ages 14–17, will swell by 14 percent, with an even larger increase among people of color—17 percent among black teens and 30 percent among Hispanic teens. Given the difficult conditions in which many of these youngsters grow up—with inferior schools and violence-torn neighborhoods, many more teenagers will be at-risk in the years ahead. As shown in Figure 5, the number of teenage offenders has grown in recent years, even as the population of teenagers has contracted. But the teen population has bottomed out and is now on the upswing.

If current rates of offending remain unchanged, the number of teens who commit murder shall increase, if only because of the demographic turnaround in the population at-risk. As shown in Figure 6, the estimated number of teen killers (known 14–17 year-old offenders plus an estimated share of unidentified offenders) could increase from nearly 4,000 per year in 1994 to almost 5,000 per year by 2005, as a result of demographic growth alone.

But all else may not be equal. Given the worsening conditions in which children are being raised, given the breakdown of all of our institutions as well as of our cultural norms, given our wholesale disinvestment in youth, we will likely have many more than 5,000 teen killers per year. Even if the recent surge in teenage homicide rates slows, our nation faces a future bloodbath of juvenile violence that will make 1996 look like the good old days.

The hopeful news is that there is still time to stem the tide—to prevent the next wave of youth crime. But we must act now—by reinvesting in schools, recreation, job training, support for families, and mentoring. We must act now while this baby-boomerang generation is still young and impressionable, and will be impressed with what a teacher, a preacher, or some other authority figure has to say. If we wait until these children reach their teenage years and the next crime wave is upon us, it may be too late to do much about it. It is far easier and considerably less expensive to build the child than to rebuild the teen.

The challenge for the future, therefore, is how best to deal with youth violence. Unfortunately, we are obsessed with quick and easy solutions that will not work, such as the wholesale transfer of juveniles to the jurisdiction of the adult court, curfew laws, boot camps, three strikes, even caning and capital punishment, at the expense of long-term and difficult solutions that will work, such as providing young children with strong, positive role models, quality schools, and recreation programs.

The growing trend in America toward increased punitiveness will not offer a solution for the impending juvenile crime wave. The threat of punishment, no matter how harsh, cannot deter kids who face the threat of violence everyday in their classrooms and their neighborhoods. As far as they are concerned, the criminal justice system can just take a number and wait its turn in line. Often these are juveniles who care little about the future, who have a reckless disregard for their own physical safety, and who don't expect to live past their 21st birthday. The prospect of a long-term prison sentence or even the death penalty will not dissuade them in the least.

Of course, I am hardly the first person to advocate the prevention. Many policymakers have been pushing prevention programs—from education to recreation, but not always prevention that is early enough. For example, antiviolence curricula promoting conflict resolution skills have been introduced in many high schools across America. But that's far too little and much too late. Those teens whom we most need to reach are often not in high school. And if they are in high school, they're not listening. If they're listening, they don't care.

We must instead locate these programmatic efforts in the primary grades where we can make a significant difference in the attitudes and behaviors of children before they are seduced by the temptations of street thrills, gang membership, drugs and crime. Of course, we then must be patient, for we will not see an impact of this investment on the crime problem for a number of years.

It is well-known that a small proportion of juveniles (about five or six percent) commit a disproportionate share of the crimes. It would, of course, be desirable to target prevention and intervention strategies on this small group of chronic offenders. The only problem is that if we wait until these youth identify themselves as persistent offenders through their crimes, our chance of changing their behavior and attitudes is rather slim.

Although early prevention has the greatest chance of influencing behavior, it is not possible to identify reliably the future chronic offenders at such an early age. Thus, much of our prevention resources will be devoted to children who may never come in contact with the law, much less become chronic delinquents. Regardless, we can still have a positive impact on the lives of many children—those who would have become serious offenders and those who would not. If the scourge of youth violence can motivate us all to invest in a generation of children, then we have done a good thing nonetheless. In the process of preventing violence, we can significantly enhance the quality of life for all children.

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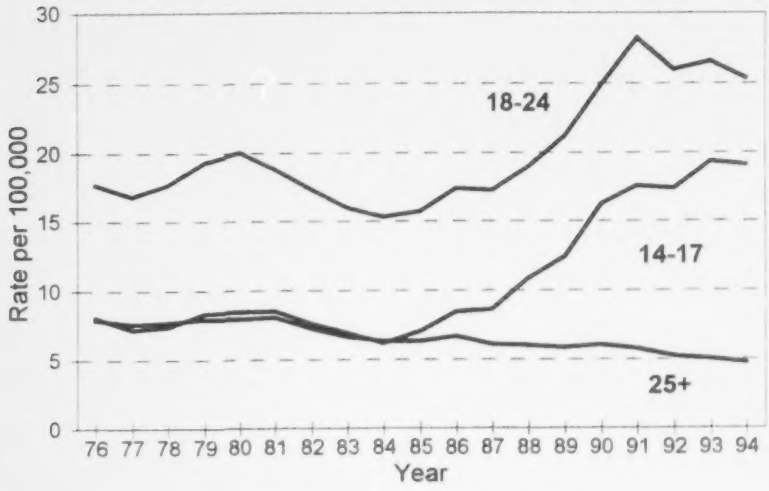
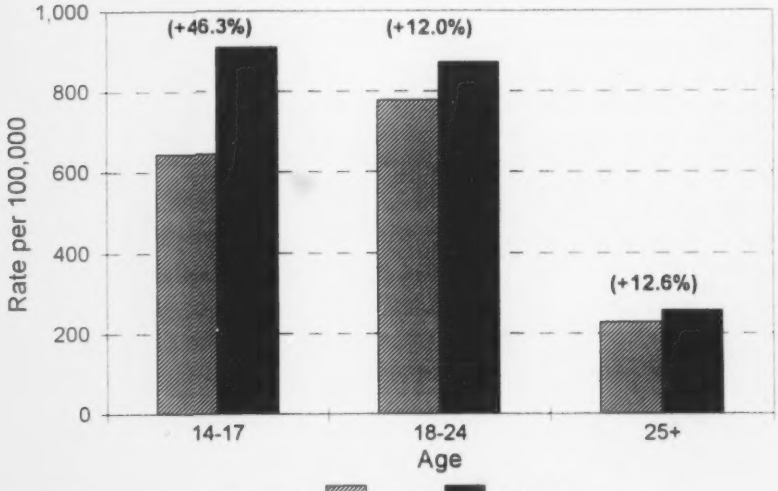
Fig 1. Homicide Offending Rate by Age



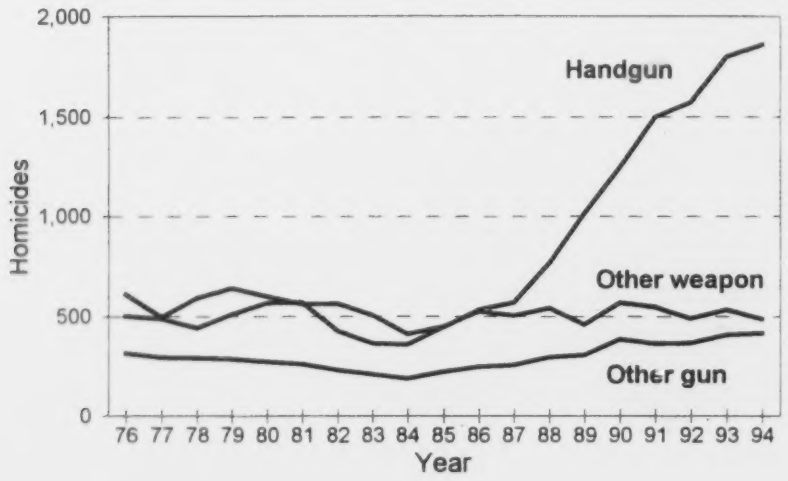
Source: FBI, Supplementary Homicide Reports and Census Bureau, Current Population Survey

Fig 2. Violent Arrest Rates by Age (with percent change, 1989-94)



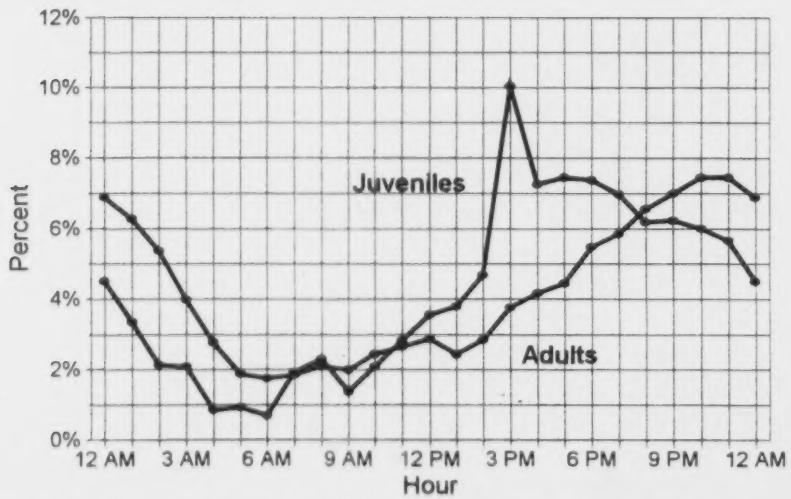
Source: FBI, Uniform Crime Reports and Census Bureau, Current Population Survey

Fig 3. Juvenile Homicides by Weapon



Source: FBI, Supplementary Homicide Reports

Fig 4. Time of Offending by Age of Offender



Source: FBI, National Incident-Based Reporting System (NIBRS) for South Carolina, 1991-92, and H. Snyder and M. Sickmund, Juvenile Offenders and Victims: A National Report.

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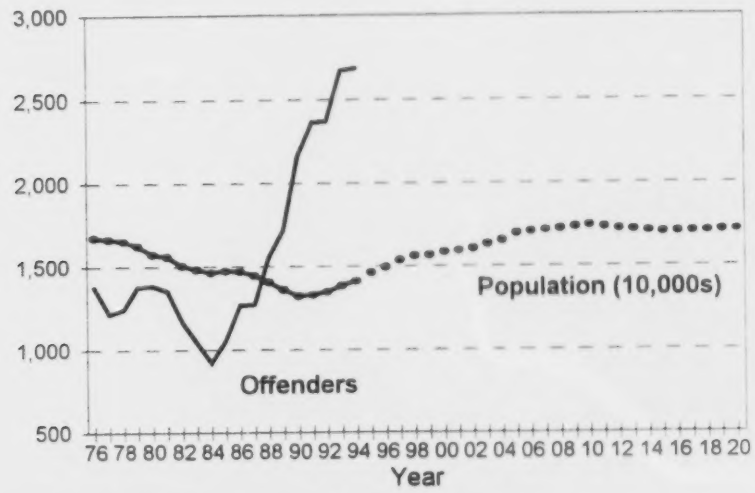
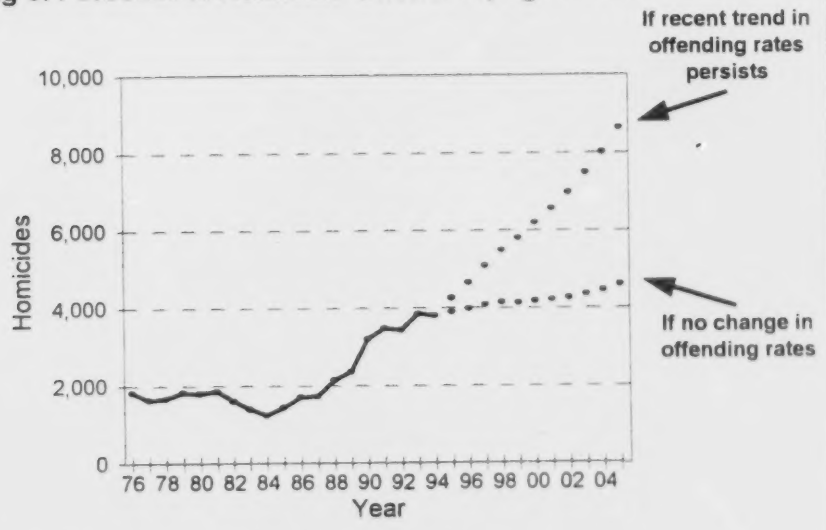
Fig 5. Population and Offenders, Ages 14-17



Source: FBI, Supplementary Homicide Reports, and Census Bureau, Current Population Survey and Population Projections of U.S.

Fig 6. Forecast of Homicide Offenders, Ages 14-17



Source: FBI, Supplementary Homicide Reports, and Census Bureau, Current Population Survey, and Population Projections of US

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Senator THOMPSON. Dr. Alfred Blumstein, professor at the Heinz School, Carnegie Mellon University, Pittsburgh, PA. Dr. Blumstein.

Senator BIDEN. Welcome back, Doctor.

STATEMENT OF ALFRED BLUMSTEIN

Mr. BLUMSTEIN. Thank you very much. Thank you for the opportunity to speak with you. The statistics that Jamie Fox presented are interesting, and in my testimony I want to address three issues—something about this changing crime rate, something about the Federal role in research, and then something about the Federal role more broadly, where I think it belongs and where it is less appropriate.

When you look at some of those statistics, it is not just that things are going up, but they are going up dramatically after a sharp change that occurred in about 1985. All of those statistics were really flat during that time. Gun homicides and nongun homicides were flat. Juvenile homicide rates were flat. Starting in 1985, we saw major doublings in the juvenile homicide rate, major doublings in juvenile homicides with guns. There were no changes in the adult homicide rates. There were no changes in the nongun juvenile homicide rates.

The third factor that doubled was the arrest of nonwhites for drug offenses, and that is where I believe a major catalytic event occurred that contributed to the growth during the post-1985 period over the last decade. As the crack markets came in, the dealers had to recruit lots of sellers because we were getting many more transactions during that time. The people they recruited, in part because adults were in prison, in part because they come so cheap, were kids. If you get kids into that drug market, or anybody in that drug market, because it is an illegal market they can't call the cops and they are carrying valuable stuff with them, either the drugs or the money from it, so they have to arm themselves with guns.

What we have seen is a diffusion of guns from those original drug sellers to other kids who hang out with them, to other kids in school, and there has been a propagation of the guns through the juvenile community as a direct result of this involvement in the illegal drug markets.

One of the consequences of that has been that we have seen no growth in homicide rates since 1985 for adults, white or nonwhite. We have seen a 120-percent growth in the homicide rate of nonwhite juveniles, but despite their not having been demonstrably involved in the drug industry, an 80-percent growth in the homicide rate by white juveniles. So we are seeing this diffusion of guns effect that is a major consequence of the growth in the drug trade.

That argues for several preventive responses. The first one, which I believe to be predominantly a local law enforcement issue, is get the guns out of the hands of kids, and legislation almost everywhere covers that because it is illegal for these kids to be carrying guns. The second, which I think is much more of a Federal issue because of the interstate nature of gun traffic, is disrupting those gun markets, and the gun markets particularly that are illegally selling guns to kids.

The third is, since the drug industry was a major causal factor, let's start to do some intelligent rethinking about how to be more effective at shrinking that drug market. Fourth, there is a socialization issue. More kids are coming up raised in conditions that are more likely to be criminogenic and we have got to worry about that. So those are some of the issues we ought to start paying attention to.

Let me say something about the knowledge level that we have. I think it is clear that this is one of the major national problems. It is clear that we are investing a trivial amount of money in finding out how to do things better. I think we spend about $65 million a year on dental caries. I think we spend less than $20 million a year on figuring out how to do better on juvenile violence, and that is not just in the criminal justice system; that is all across the board.

There is no question but that an absolutely central Federal role is research because that is an inherently public good. It is the sort of thing that no State or no locality is going to engage in on its own and that has to revert to the Federal Government in terms of finding out, doing the research, collecting information and statistics, and disseminating that.

Let me also address the issue of the Federal role in prevention activities. Again, if everyone grew up in the same town they were born in, there may not be much of a Federal role beyond research, but given a country with mobility, the failures of Nashville visit themselves on Memphis and visit themselves on other places. So it is very important to exploit the economies of scale that are potential for education, for training, for assessing what is good, and for communicating the information about that broadly across the practitioners.

So it is not just the accumulation of knowledge that has to be done at the Federal level, but the benefits of economies of scale in prevention, and that is what the juvenile justice bill was about in the first place, whereas the action of the criminal justice system, of the delivery of the service itself, is much more of a local phenomenon. But the integration of the information and the accumulation has got to be a primary responsibility of the Federal Government, and I think it is that partition.

One more comment on sort of the notion of the Federal Government saying, if we are going to provide money, you have got to do it in some ways and not in others, not in an exclusive way, but to recognize that when we get to a local level, incarceration, which certainly has been an important factor for older folks,is not a very meaningful approach for younger folks in terms of the growth in crime rates.

That is not to argue against incarceration of those who are demonstrably violent, but it is to argue that we don't know which ones are going to continue to be violent, that they come into the violence activity faster than incarceration can solve it. So we have got to find investments at an earlier stage in the developmental process, going from infant health, parenting skills, schools, the wide variety of prevention that is needed in a society that we used to have when families were far more effective, far more stable.

We are now in an environment where families are far more often dysfunctional, and we used to have backups of extended families, of churches, of other kinds of community institutions that have now largely eroded. The question is how do we stimulate and encourage more attention to those issues so that the problems won't be so severe that we have to use incarceration, which I would argue is of very limited effectiveness in that age range because they are coming in faster than we can lock them away, and that is why we see a decline in homicide rate by people over 30 over the last decade, in part, because we have doubled prison populations.

Despite that, we just can't use that as the dominant tool for the young people, even though we are as harsh as we want to be. This is not an argument against being punitive. It is an argument that says it just can't be enough. With that, I think we have got to generate that mixed portfolio and part of the strategy of the Federal Government has got to be one of encouraging that mixture in a much more operationally, functionally effective way.

Thank you.

Senator THOMPSON. Thank you very much, Dr. Blumstein.

[The prepared statement of Mr. Blumstein follows:]

PREPARED STATEMENT OF ALFRED BLUMSTEIN

Senator Thomas and Members of the Subcommittee: I am honored by the opportunity to appear before you today as you consider the various issues involved in the current state of juvenile violence and in the re-authorization of the Office of Juvenile Justice and Delinquency Prevention.

As background to my own involvement in this issue, I have engaged in a variety of criminological research since my involvement as Director of Science and Technology for the President's Commission on Law Enforcement and Administration of Justice in 1966. Most recently, I have been examining the dramatic growth in youth homicide than began in about 1985, and recently published a paper in the most recent issue of the Journal of Criminal Law and Criminology, "Youth Violence, Guns, and the Illicit-Drug Industry," that I think is quite relevant to the subcommittee's issues of concern, and is included with my testimony.

I have also been involved in practical policy matters as a member of the Pennsylvania Sentencing Commission since 1986, and I served as the chairman for over eleven years of the Pennsylvania Commission on Crime and Delinquency, the state's criminal justice planning agency, which manages Federal criminal justice funds in Pennsylvania, including the juvenile-justice funds. Attached to my testimony is a short biographical statement for your information.

In my testimony today, I plan to address three issues: (1) the recent growth in youth violence, (2) the Federal role in research, and (3) the Federal role in juvenile violence prevention.

I. GROWTH IN YOUTH VIOLENCE

When one examine national homicide trends in the U.S. over the past 20 years, we see no upward trend, but rather general oscillation in the range of 8 to 10 homicides per 100,000 population. Indeed, since a peak in 1991, we have seen a steady decline in the nation's homicide rate. This would probably surprise most people because there is certainly a widespread sense of a steadily growing risk.

One of the dominate features of homicide over the past decade has been the dramatic growth in homicide by young people, particularly involving the use of guns, and that growth has been fueled by their involvement in the drug industry. All of these trends were quite stable for from 1970 through 1985, but then turned up sharply after 1985, leading in just seven years to the following major changes:

A doubling of the juvenile homicide rate (with no change in the adult rates over age 24)—Figure 4 (a–d) in the attached paper,

A doubling of the number of juvenile homicides with guns (with no change in the number of non-gun homicides)—Figure 7, and

A doubling in the arrest rate of non-white juveniles for drug offenses (with no increase in the arrest rate of white juveniles)—Figure 10.

These data go to 1992, but the juvenile homicide rates continue their increase through 1994.

These observations have given rise to a working hypothesis about the process leading to the major growth in juvenile violence:

With the widespread growth of activity in crack markets beginning in about 1985, youth, primarily African-Americans in central-city areas, were recruited into those drug markets; since they cannot easily call on the police for protection, standard practice in the drug markets is to carry a gun in order to protect themselves and their valuable wares.

With the tight networking of youth through schools and the streets, that has led to a broader diffusion of guns into the larger youthful community, primarily for self-defense, but also perhaps for status-seeking. Because adults are less tightly networked, we do not see comparable diffusion among them.

As a result, because of the presence of the guns, the fights that are routine among kids can more easily turn into shootings. Adults, even though they may also be carrying guns, seem much better able to exercise restraint in using them.

And the greater the presence of guns among kids provides an incentive for each additional kid to begin to carry a gun, resulting in an escalating process of gun-carrying and use.

As a result, since we know that teen-age males have always resorted to violence to settle their disputes, fights that used to result in no more than a bloody nose are now much more likely to escalate to a shooting and a homicide.

This hypothesis is supported by the growth in the homicide rate of juveniles who are white (80 percent growth since 1985) as well as non-white (120 percent growth since 1985), while there have been no growth among adults of either group (Figure 11a and 11b).

These trends suggest some important policy actions that should be pursued:

For the immediate future, we have got to focus on ways to get guns out of the hands of kids, especially in urban areas. Since carrying of handguns is illegal almost everywhere, this usually requires stronger and more focused enforcement of existing legislation rather than any new legislation.

On a somewhat broader basis, we must find means for exercising tighter control over the illicit gun markets, especially those that sell guns to kids, and especially in urban areas. There are some interesting parallels here to the illicit drug markets: both peddle dangerous products, and we have been obsessed with one and have largely ignored the other.

Because of the saliency of the role of drug markets as a primary casual factor, and in light of our demonstrated difficulty in impacting those markets, this may be the time for considering alternative means of shrinking their size by siphoning some of the demand from those markets: This could include increasing the resources for treatment and prevention, and also by finding ways to bring into addicts into medical treatment programs.

For the longer run, we must face the widespread problem of socializing the growing number of young people who see no hope for their economic future, are willing to take whatever risks are necessary to gain respect and to earn an income, and who represent ready recruits for any illicit markets that present themselves.

II. FEDERAL ROLE IN RESEARCH ON JUVENILE VIOLENCE [1]

The last 25 years has seen a considerable accumulation of research findings and insights that were not available earlier. Those research findings, however, reflect only a tiny portion of what we need to know to make effective policy and operational decisions in each of the many areas relating to juvenile violence. Too often, published research relates to a single site or setting, and there have been only limited efforts to generalize such findings to a wider variety of populations.

There have been some evaluations of various kinds of rehabilitation programs, and these are encouraging, but we have very little in the way of evaluation of prevention programs. This is partly because so little has been done, but also because it is very difficult to measure the effects of programs whose effects may not be observed for a decade or more. We know that there are links between violence and community characteristics, such as social cohesion and informal social control of public space, but we have not yet identified effective means for changing that situation. We have only vague hints on how best to design effective programs of parent training to minimize the risks of violence.

[1] Some of the discussion in this section draws on material in Alfred Blumstein and Joan Petersilia, "Investing in Criminal Justice Research", Chapter 20 (pp. 465–487) in James Q. Wilson and Joan Petersilia (eds.), Crime, ICS Press, 1995.

Even in the war on drugs, there are important costs and benefits of various strategies, and the inability of enforcement strategies alone to reduce drug abuse and drug trafficking have been widely documented. Prisons are now full of drug users and drug sellers, and yet the drug problem continues. Thus, while it is clear that much important research has been conducted over the past decade, it is also clear that we are still at an extremely primitive stage of knowledge regarding violence, especially for directing focused action, and that much more still needs to be done.

There is little question but that the locus of research on crime and criminal justice must be the responsibility of the Federal government. In marked contrast to efforts at crime control by the operational agencies of police, prosecution, probation, courts, and corrections, which are predominantly a local responsibility, research findings represent a public good to be shared broadly. The provision for such public goods (of which national defense is the classic example) is the natural role for the federal government. Research is not something the individual states are likely to pursue because of the perception that the benefits will accrue broadly, and so independent state programs are not likely. Also, if research gets done at all by the states, each one's focus is likely to be very narrow, and they are not likely to undertake the broader issues, which have the bigger payoffs but take longer and cost more. Moreover, coordinating the research program at the federal level generates important economies of scale and of scope. While there is some federal research activity concerned with juvenile violence, any reasonable observer would find that to be much too small and more fragmented than is appropriate for developing necessary knowledge for the issue that is now seen as the major concern of the American public.

It is striking to contrast these research budgets which aggregate to well under 20 million dollars with the resources used for various other research and operational activities. The total NIH budget of $13 billion is about 1,000 times as large. Federal resources directed at law enforcement for drugs alone represents $13 billion. In the corporate world, a research budget under 2 percent of volume would certainly be seen as quite skimpy. It is clear that the research expenditures in this area are profoundly inconsistent with the magnitude of the problem, with the resources being expended to address the problem, and with the resources committed to other comparably important National issues.

In that research, we need much more and better information on the development and the nature of criminal careers, especially in violence, and how that is related to individual development, family structure and environment, and approaches to socialization; on the effect on juvenile violence of community conditions and the organization and operation of neighborhood gangs, illicit-drug markets, and illicit gun markets; on the effects on crime, public expenditures, and offending behavior of various kinds of interventions in the socializing process; on the effects of the justice system or alternatives on the control of illicit guns and drugs and on the operation of their illicit markets.

The United States is changing in profound ways that are likely to increase the nature and extent of crime we experience. The next generation of children coming into the high-crime teen years is more likely than their predecessors to be born to a single mother, to be raised in a single-parent household, to experience poverty, and to be unemployed; these are all factors known to relate to later criminality. Communities are also changing, experiencing greater geographical mobility and social isolation, which often results in social disorganization, and ultimately more drugs, guns, and crime. Understanding how these contextual factors relate to the production of crime, and whether they can be countered by justice or other interventions, is of highest priority.

Many of these aspects are likely to affect not only juvenile violence, but to have much broader effects on the socialization and development of the future citizens of the nation. The major growth in juvenile violence is not only of concern itself, but it is symptomatic of many key aspects of juvenile development that need major attention. The knowledge base to address these issues is remarkably thin in terms of knowing how best to intervene in these developmental processes.

III. FEDERAL ROLE IN JUVENILE VIOLENCE PREVENTION

There is little doubt that most activities directed at preventing juvenile violence have to be engaged in at the local level. And if everyone spent the rest of their lives in the town they were born in, there would hardly seem to be any Federal concern at all. Even in the face of such stability, aside from the research issues discussed above, there is also an important Federal role in providing technical assistance in order to capitalize on the important economies of scale in carrying out evaluations and communicating information on successful practice. But also, because we are a

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mobile nation, the products of failed prevention in one place more to another, and this generates a broader Federal interest in enhancing the ability of municipalities and States in pursuing their endeavors to prevent violence. This recognition is certainly reflected in the block grants sent to the States since the JJDP program began.

In criminal justice policy in recent years, we have seen increasing emphasis on incarceration, usually at the expense of prevention. In the last decade, we have doubled the prison population, but have seen only slight effects on crime rate. Those effects have probably occurred at the older ages, where a meaningful fraction of the individuals likely to be offending can be found in prison. At the younger ages, which are of concern here, even the most punitive policies are not likely to make a significant dent. That is because deterrence effects are likely to be weak at young ages: kids' propensities for bravado and group-following so readily overwhelm the rational decision-making necessary for deterrence to be effective, and this result is most likely to occur with poorly socialized kids. Also, so many kids engage in various forms of delinquency, and most stop before very long; it takes time to sort out who will be moving on to a more productive life in society and who is sufficiently criminal to warrant the expense and the criminogenic effects of a long sentence.

This requires that we consider a mixed portfolio, with a strong emphasis on prevention for the younger ages, phasing into a greater emphasis on incarceration for the purpose of incapacitation at the older ages, when the failure of any prevention efforts become more evident.

In allocating money to programs dealing with crime, there is a natural inclination for legislative bodies to weigh some combination of a program's immediate political attractiveness along with its functional effectiveness. In providing Federal funds, Congress and OJJDP should encourage greater emphasis on issues of functional effectiveness. One serious problem in stimulating expenditure for prevention programs is the fact that benefits are seen much later than the current expenditure of funds, and so such programs, even if they were known to be effective, would suffer in the political dimension. One way to counteract that problem is to impose a requirement that some minimum fraction (say, 50 percent) of each State's block grants be allocated to prevention.

IV. SUMMARY

In this testimony, I have noted how much more serious a problem juvenile violence has become in the last decade, and have highlighted how that has been stimulated as an unintended consequence of the war on drugs through the widespread diffusions of guns. We must act to recapture those guns from kids and to disrupt the markets that are distributing them. I have emphasized the critical Federal role in supporting research on how best to deal with juvenile violence. And I have also emphasized the broader Federal role in providing for technical assistance, where the economies of scale are particularly important.

I have also encouraged an increased emphasis on activities that would prevent juveniles from getting involved in violence in the first place. This is particularly important in a nation which views the family to be the primary socializing unit, but which is seeing a growing number of dysfunctional families, and a decline in the back-ups that we used to have—the extended family, religious institutions, and community centers. We all wish we could strengthen the family unit, and there are many things we could do there beyond railing about it. We also have to worry about what we can do when the family is not working, since the rest of us suffer the consequences. That seems to be what "delinquency prevention" is all about in the JJDP title.

I would like to make one other personal observation. My last appearance before the Senate Judiciary Committee occurred on February 11, 1992, when Senator Biden was conducting hearings on the reauthorization of OJP. At that time, I was very troubled by the quality of the management of the program, and what I felt was undue politicization of the program, especially at NIJ. I am delighted to be able to note that I believe that the development of the program at OJP over the past few years has been exciting to watch. Outstanding individuals have been recruited to manage the various programs, and it has been a delight to see the innovation and significant progress under way, and especially at NIJ, which I watch most closely.

ALFRED BLUMSTEIN

Alfred Blumstein is J. Erik Jonsson University Professor of Urban Systems and Operations Research and former Dean (from 1986 to 1993) at the H. John Heinz III School of Public Policy and Management of Carnegie Mellon University.

He has had extensive experience in both research and policy with the criminal justice system since serving the President's Commission on Law Enforcement and Administration of Justice in 1966–67 as Director of its Task Force on Science and Technology.

Dr. Blumstein was a member of the National Academy of Sciences Committee on Research on Law Enforcement and the Administration of Justice from its founding in 1975 until 1986. He served as Chairman of that committee between 1979 and 1985, and has chaired the committee's panels on Research on Deterrent and Incapacitative Effects, on Sentencing Research, and on Research on Criminal Careers. He is currently a member of the Academy's Commission on Behavioral and Social Sciences and Education.

On the policy side, Dr. Blumstein served from 1979 to 1990 as Chairman of the Pennsylvania Commission on Crime and Delinquency, the state criminal justice planning agency for Pennsylvania. He has also been a member of the Pennsylvania Commission on Sentencing since 1986.

His degrees from Cornell University include a Bachelor of Engineering Physics and a Ph.D. in Operations Research.

He was President of the Operations Research Society of America in 1977–78, he was awarded its Kimball Medal "for service to the profession and the society" in 1985, and its President's Award in 1993 "for service to society." He was president of the Institute of Management Sciences (TIMS) in 1987–88 and is the current President of the Institute for Operations Research and the Management Sciences (INFORMS) recently created by the merger of ORSA and TIMS. He is a Fellow of the American Association for the Advancement of Science (AAAS).

Dr. Blumstein is a Fellow of the American Society of Criminology, was the 1987 recipient of the Society's Sutherland Award for "contributions to research," and was the president of the Society in 1991–92.

His research over the past twenty years has covered many aspects of criminal-justice phenomena and policy, including crime management, criminal careers, sentencing, deterrence and incapacitation, prison populations, flow through the system, demographic trends, juvenile violence, and drug-enforcement policy.

Senator THOMPSON. Our next witness is Dr. John J. DiIulio, Brookings Institution Center for Public Management, Washington, DC.

STATEMENT OF JOHN J. DiIULIO

Mr. DiIULIO. Thank you, Senator. By now, I think just about everybody is aware that the Nation's juvenile crime problem is bad and that it is getting worse. Certainly, the country's best criminologists—Professor Blumstein, Professor Fox, Prof. James Q. Wilson of UCLA—and others agree that this is so. Certainly, State and local justice system officials know it, too.

The country's best street-level analysts of the juvenile crime problem—namely, local police, prosecutors, and inner-city preachers like my friend and colleague on the panel, Reverend Rivers—know that the kids coming up today are more violent, are more impulsively violent, and in some ways more remorseless than ever. My colleague on the Council on Crime in America, Philadelphia District Attorney Lynne Abraham, speaks of the frightening reality of elementary school kids who pack guns instead of lunches.

My friend in New Jersey, Dan Coburn, a former superior court justice and public defender, has recently written, and I quote, "This new horde from hell kills, maims, and terrorizes merely to become known, for no reason at all. These teens have no fear of dying and no concept of living." Maximum-security prisoners agree. When I asked what was triggering the explosion of violence among today's young street criminals, a group of long and life-term New Jersey prisoners didn't voice the conventional explanations about poverty or joblessness, although that did indeed come up. Instead, these hardened men cited the absence of people, families, adults, teach-

ers, preachers, coaches, who would care enough about young males to nurture and discipline them. In the vacuum, drug dealers and gangster rappers serve as role models. "I was a bad-ass street gladiator," one convicted murderer said, "but these kids are stone-cold predators."

I think everyone here would agree that being born healthy to loving parents of whatever socioeconomic status or whatever demographic description is about the luckiest accident that can befall a human being. The facts that Professor Fox, Professor Blumstein, a number of my demographer colleagues at Princeton and elsewhere have shown—the fact is more and more kids in this country are not growing up so lucky. They are growing up severely at risk.

What I have termed "juvenile superpredators" are born of abject moral poverty, which I define as the poverty of being without loving, capable, responsible adults who teach you right from wrong. It is the poverty of being without parents, guardians, relatives, friends, teachers, coaches, clergy, and others who habituate you to feel joy at others' joy, pain at others' pain, remorse when you wrong, happiness when you do right. It is the poverty of growing up in the virtual absence of people who teach these lessons by their own everyday example and who insist that you follow suit and behave accordingly.

In the extreme, and this is really what we are talking about here, it is the poverty of growing up surrounded by deviant, delinquent, and criminal adults in chaotic, dysfunctional settings, in places where there are no jobs, where drug abuse and child abuse are often twins, and where self-respecting young men quite literally aspire to get away with murder.

Scholars are now waking up to this reality. There is an explosion of interesting and important research which needs to be consulted, but we need to remember at the same time what the Roman sages knew. What society does to its children, children will do to society. The need to rebuild and to resurrect the civil society, the families, churches, schools, and community groups, of high-crime, drug-plagued urban neighborhoods, is not, in my view, an intellectual or research hypothesis that requires testing. It is a moral and social imperative that requires doing, and doing now, but how?

Well, there are many possible answers and I want to briefly sketch just three. There is a school of thought which now says that unless you get to children before they are out of dirty diapers, you don't have a chance; if you don't reach a young male by age 5, nothing can be done. That is false. I sit on the board of Public-Private Ventures, which is a Philadelphia-based youth and community development research organization. It has been in the business a long time.

Last year, we completed a study of the Big Brothers-Big Sisters of America program. The mere addition of an adult a few hours a week in the lives of kids—and this was a controlled, scientific, take-it-to-the-bank study—the mere addition of a big brother or a big sister to a youngster's life for 1 year cut first-time drug use by 46 percent, lowered school absenteeism by 52 percent, and reduced violent behavior by 33 percent. On any given day, Big Brothers-Big Sisters of America has 75,000 active matches. There are 30,000

people on the waiting list. Those are 30,000 kids who could be helped.

There are other answers as well. I agree with Professor Blumstein and others that jail, incarceration, is not the answer. I also believe, however, that, like it or not, we will be incarcerating more and more juvenile offenders over the next 5 to 10 years. I believe that it is important for Federal policy to at least help with, or at least get out of the way of State and local efforts to incarcerate violent and repeat juvenile criminals, no ifs, ands or buts.

But the more important option and the option on which I would like to close and for this committee and this Congress to give its consideration is the need to rebuild the civil society of inner-city neighborhoods by looking at the role of faith-based organizations. With respect to inner-city youth crime, I believe our guiding principle should be fill churches, not jails.

On this subject, Reverend Rivers speaks from what James Madison called that oracle of truth, experience, but I just wanted to say for the record that there is a growing body of empirical research by econometricians, by political scientists, by some criminologists, and others which supports what he has to say about the efficacy of church-centered approaches to battling crime, delinquency, and other economic and social problems.

In conclusion, last year President Clinton, speaking at a school in suburban Virginia, said:

> Don't you believe that if every kid in every difficult neighborhood in America were in a religious institution on weekends, a synagogue on Saturday, a church on Sunday, a mosque on Friday—don't you really believe that the drug rate, the crime rate, the violence rate, the sense of self-destruction would go way down and the quality and character of this country would go up?

I do believe.

Senator THOMPSON. Thank you very much, Dr. DiIulio.

[The prepared statement of Mr. DiIulio follows:]

PREPARED STATEMENT OF JOHN J. DIIULIO

FILL CHURCHES, NOT JAILS: YOUTH CRIME AND "SUPERPREDATORS"

"Don't you believe that if every kid in every difficult neighborhood in America were in a religious institution on weekends—a synagogue on Saturday, a church on Sunday, a mosque on Friday—don't you really believe that the drug rate, the crime rate, the violence rate, the sense of self-destruction would go way down and the quality and character of this country would go way up?"—President Clinton in a speech to high school students in suburban Virginia, 1995.

By now, almost everyone is aware that America's juvenile crime problem is bad and getting worse. Certainly, state and local justice system officials know it. For example, the Florida Department of Law Enforcement has reckoned that since 1971, Florida's juvenile population grew by about 25 percent, but its juvenile violent crime arrest rate grew by 365 percent. Last year a juvenile was arrested for murder every other day in Florida. The number of juveniles arrested in Florida could double by the year 2010.

The country's best "street-level analysts" of the youth crime problem—namely, local police, prosecutors, and inner-city preachers like my friend and colleague on the panel, Reverend Eugene Rivers—know that the kids doing the violent crimes are more impulsively violent and remorseless than ever. For instance, my colleague on the Council on Crime in America, Philadelphia District Attorney Lynne Abraham, speaks of the frightening reality of elementary school kids who pack guns instead of lunches. Likewise, my friend Dan Coburn, a former Superior Court Justice and Public Defender in New Jersey, recently wrote that "This new wrote horde from hell kills, maims, and terrorizes merely to become known, or for no reason at all. These teens have no fear of dying and no concept of living."

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Maximum-security prisoners agree. When I asked what was triggering the explosion of violence among today's young street criminals, a group of long- and life-term New Jersey prisoners did not voice the conventional explanations such as economic poverty or joblessness. Instead, these hardened men cited the absence of people—family, adults, teachers, preachers, coaches—who would care enough about young males to nurture and discipline them. In the vacuum, drug dealers and "gansta rappers" serve as role models. "I was a bad-ass street gladiator," one convicted murderer said, "but these kids are stone-cold predators."

What I have termed juvenile "superpredators" are born of abject "moral poverty," which I define as the poverty of being without loving, capable, responsible adults who teach you right from wrong. It is the poverty of being without parents, guardians, relatives, friends, teachers, coaches, clergy and others who habituate you to feel joy at others' joy, pain at others' pain, happiness when you do right, remorse when you do wrong. It is the poverty of growing up in the virtual absence of people who teach these lessons by their own everyday example, and who insist that you follow suit and behave accordingly. In the extreme, it is the poverty of growing up surrounded by deviant, delinquent, and criminal adults in chaotic, dysfunctional, fatherless, Godless, and jobless settings where drug abuse and child abuse are twins, and self-respecting young men literally aspire to get away with murder.

Scholars who study drugs and crime are only now waking up to the social consequences of raising so many children in abject moral poverty. Policymakers and the public-at-large should listen to what the academics have to say. But we don't need yet another library full of jargon-riddled criminology studies to tell us what the Roman sages knew: what society does to children, children will do to society. The need to rebuild and resurrect the civil society (families, churches, community groups) of high-crime, drug-plagued urban neighborhoods is not an intellectual or research hypothesis that requires testing. It's a moral and social imperative that requires doing—and doing now.

But how? There are many possible answers. Let me highlight two—jails and churches.

The facts and figures support the public's fears of violent crime, adult and juvenile. The juvenile justice system, like the adult system, is a revolving door. For example, in 1993 alone some 9,000 juveniles were arrested for violent crimes (murder, forcible rape, robbery, and aggravated assault) in Florida. But at the end of 1993 a total of only 1,300 juveniles were in secure custody in Florida—fewer, in fact, than were in confinement in 1971. And Florida is among the states that have enacted laws intended to restrain violent and repeat juvenile criminals.

Some academic experts may wish to minimize the reality of revolving-door juvenile justice. But I have talked to scores of big-city prosecutors all across the country, and they are scared and sick to death of the system's failure to take juvenile crime seriously. So are many police chiefs and officers. And so are most average Americans.

Juvenile superpredators not only inflict harm on innocents, they kill each other. A recent study found that of the 155 persons age 21 or younger murdered by guns or knives in Boston from 1990 to 1994, 95 percent of the young killers and 75 percent of the young victims had criminal histories.

It could not be clearer. Unless we close the revolving door on juvenile crime, we will close the coffin on more juveniles.

The moral message that the present system sends to kids who are struggling to do the right thing is, "You're on your own. Nobody cares. You're a sucker." That's the message they get when they witness the nation's 600,000 street gangsters controlling their streets, and when they see death-dealing drug dealers arrested one day and back on the streets the next. The lesson they learn is, "If the superpredators can't be beat, why not join them."

No one relishes the thought of locking up more juveniles. But it must be done. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) should be directed to assist the states in securely, humanely, and cost-effectively incarcerating kids who criminally violate the life, liberty, and property of others. OJJDP and the rest of the federal juvenile justice establishment needs to get out of its anti-incarceration time warp, or at least get out of the way of state efforts to crack down on violent juvenile offenders.

Of course, how many juvenile jails we need will depend largely on how many of today's at-risk 4- to 7-year-old boys become the next century's first crop of 14- to 17-year-old superpredators. And that, in turn, will depend greatly on how much local, community-level, and faith-based institutions do to save these children—and the rest of us—before it's too late. With respect to inner-city youth crime, our guiding principle should be, "Fill churches, not jails."

On this subject, Reverend Rivers speaks from the oracle of truth, experience. By way of conclusion, let me state for the record that a growing body of empirical research supports what he has to say about the efficacy of church-centered approaches to battling crime, delinquency, and other economic and social problems.

Researchers have long known that urban poverty and joblessness are directly influenced by community norms and networks. Religious institutions consistently emerge as a key node of such networks. Several recent econometric studies, for example, find that controlling for all relevant individual characteristics (race, gender education, family structure, and so on), urban youths whose neighbors attend church are more likely to have a job, less likely to use drugs, and less likely to be involved in criminal activity. In other words, church-going has what economists term "positive externalities." In this case, church-going affects the behavior of life prospects of disadvantaged youths whether or not they themselves attend church. Just as research by myself and others show that high concentrations of liquor outlets create "negative externalities" in poor communities—for example, heightened rates of criminal victimization that affect people whether or not they themselves drink or abuse alcohol—so does the presence of active religious institutions mediate crime and other social ills, both for people who attend temple, church, or synagogue and for their neighbors who don't.

This Congress should do whatever can be done without running afoul of real Constitutional constraints to eliminate the regulatory and other barriers to faith-based efforts to resurrect the civil society of the nation's inner cities. And private individuals and philanthropists that support the withdrawal of the federal government from the social welfare arena ought to put their time, money, and voluntary efforts where their civil society rhetoric now is.

Time is running out.

John J. DiIulio, Jr. is Professor of Politics and Public Affairs at Princeton University; Douglas Dillon Senior Fellow and Director of the Center for Public Management at the Brookings Institution; and Adjunct Fellow at the Manhattan Institute. In conjunction with the Center for Effective Compassion, he is studying faith-based approaches to strengthening civil society and solving social problems.

Senator THOMPSON. Rev. Eugene Rivers, fellow, Center for the Study of Values and Public Life, Harvard Divinity School.

STATEMENT OF EUGENE F. RIVERS III

Reverend RIVERS. I would like to thank you for this opportunity to come and testify on the changing nature of youth violence, an issue which has had great importance for me as a pastor living in the black community in Boston.

I speak before you as a representative of the Ten Point Coalition, which is a coalition of 37 churches and para-church ministries in Boston who have been working at the street level to reverse the trends that we have been able to observe and corroborate in the findings of Professor DiIulio and Dean Fox. So this morning I want to talk briefly about what we are observing which is unique about the character of the violence that we see in the inner city.

I have become increasingly concerned over the nature of youth violence since May 1992, when a half dozen young boys came into a local church during a funeral. They fired shots into the church and stabbed a child in the middle of the wake. It occurred to me at that moment that we in the churches had refused to take our message to the street and, as a consequence, the street had now brought its message to the church. The disrespect they conveyed to the church was simply the mirror reflection of we the church's failure to respect their parents, who in many cases were single mothers.

The issue of how youth violence has changed has often been sidestepped because people are quite understandably scared to broach the subject in terms which transcend the politically correct. I should say that I speak as a black pastor from the black commu-

nity. I will be referring primarily to the black community because that is the one I simply know best. There is good reason for this fear because the issue is not merely uncomfortable. It is a reality that we must confront in very direct and candid terms.

Now, I would like to talk briefly about what I think is unique about the violence that we see. Today, more than 10 million Americans now face a crisis of catastrophic proportions. Life in the major post-industrial centers of this country is genuinely poor, nasty, brutish, and short. It is often a choice between suffering and abject misery. The prospects for black males are perhaps a bit more exciting. There is, of course, death due to homicide or drug-related HIV infection, and then there is incarceration, as already stated, which provides an opportunity to refine the skills required for a career of criminality.

Assume, then, that current conditions for black Americans persist. Two developments will follow. First, we can safely assume that young black mothers and fathers will not transmit to their progeny the values and norms associated with intellectual and cultural achievement. Second, as entry into labor markets becomes increasingly dependent upon education and high skills, we will see perhaps for the first time in the history of the United States a generation of economically obsolete Americans.

But, remarkably, the tragedy we face is still worse. Unlike many of our ancestors who came out of slavery and entered this century with strong backs and discipline, a thirst for literacy, a deep religious faith, and hope in the face of monumental adversity, we have produced a generation who do not know the ways of the Lord, a "new jack" generation ill-equipped to secure gainful employment even as productive slaves. This generation, who would be ineligible to qualify for slavery, provides a unique insight into the nature of economic opportunity in this country.

Consider this achievement: A generation of poor black women and children may reach the end of this century in an economically and politically inferior position to their ancestors who entered the century in the shadow of formal slavery. Unable to see a more rational future through the eyes of faith, they lack the hope that sustained their forebears. Lacking hope, they experience what Orlando Patterson has called social death. But unlike the social death of formal slavery, this new social death is fundamentally spiritual, rooted in the destruction of faith and hope.

On this point, I want to pause. If we fail to grasp the spiritual implications of the death of faith and hope for a generation of young people, we will have missed the point entirely, completely. So I encourage all the social policy analysis, but if we fail to recognize this fundamental truth, the worst is yet to come.

In a world without faith and hope, history and identity are themselves divested of meaning. So as Christian philosopher Cornel West has argued, I think correctly, the future is transformed into a spectacle of nihilism and decay. It is, in the end, this profoundly spiritual nature of the current crisis that gives it its unique historical character.

As a pastor, I see all of these statistics reflected in the faces and communities which are in crisis, but these communities where the sound of gunfire is no longer startling, where children identify

street corners by the names of friends and acquaintances who got shot or killed there, where picket fences and tree-lined sidewalks no longer have a civil atmosphere or provide a civil atmosphere—we recognize that there has to be a dramatic change in our thinking as we approach this issue.

I am told by 16- and 17-year-old kids, listen, if we will put in 16 hours selling drugs under adverse circumstances, with no retirement, no insurance, at a high-risk job with lots of turnover and instability, then work is not our problem. This needs to be stressed, too, because there is this fiction at large in the public that somehow these folks just want to be on welfare and not work. That is obviously false. If these kids are willing to work 16 hours a day selling drugs, with no insurance, no retirement plan, no health plan, you know, the will to work is not the problem.

It has to involve economics. High school graduates who do the right thing and go to work every day have experienced a 30-percent decrease in the buying power of their wages from 1973 to 1993, which is, here again, this economic issue. For all the youth who are drug dealers and doing the wrong things, economics is essential.

In conclusion, ladies and gentlemen, if we as a nation fail to resurrect a vision of faith, hope, and civil society for this generation of young people who are now unqualified even for slavery, we will greet the dawn of the next century with children drowning in their own blood as we descend into a political state of virtual apartheid. The choice is ours. May God grant us the wisdom to make just decisions.

Thank you.

[The prepared statement of Mr. Rivers follows:]

PREPARED STATEMENT OF REV. EUGENE F. RIVERS 3d

I would like to thank you for this opportunity to come and testify on the changing nature of youth violence, an issue which has great importance to me as a Pastor within the Black community in Boston. I have become increasingly concerned over the nature of youth violence since May of 1992, when a half dozen young boys came into a local church during the middle of a funeral. They fired shots into the church, and stabbed a child. It occurred to me at that moment that we in the churches have refused to take our messages to the street and, therefore, the street has now brought its message to the church. The disrespect they conveyed to the church was simply the mirror reflection of our disrespect for them. The issue of how youth violence has changed is often sidestepped because many people are, quite understandably, scared to broach the subject. There is good reason for this fear because this issue is not merely uncomfortable, but brutally violent.

More than 10 million Americans now face a crisis of catastrophic proportions. Life in the major post-industrial centers in the United States is genuinely poor, nasty, brutish, and short. It is often a choice between suffering and abject misery. The prospects for black males are perhaps a bit more exciting. There is, of course, death due to homicide or drug-related HIV infection; and then there is incarceration, which provides an opportunity to refine the skills required for a career of criminality.

Assume then, that current conditions for Black Americans persist. Two developments will follow. First, we can safely assume that young Black mothers and fathers will not transmit to their progeny the values and norms associated with intellectual and cultural achievement. Second, as entry into labor markets becomes increasingly dependent upon education and high skills, we will see, perhaps, for the first time in the history of the United States, a generation of economically obsolete Americans.

But, remarkably, the tragedy we face is still worse. Unlike many of our ancestors, who came out of slavery and entered this century with strong backs and discipline, a thirst for literacy, a deep religious faith, and hope in the face of monumental adversity, we have produced "a generation who do not know the ways of the Lord"—

a "new jack" generation, ill-equipped to secure gainful employment even as productive slaves.

This generation—who would be ineligible to qualify for slavery—provides unique insight into the nature of economic opportunity in a contemporary capitalist democracy. Consider this achievement: a generation of poor black women and children may reach the end of this century in an economically and politically inferior position to their ancestors, who entered the century in the shadow of formal slavery. Unable to see a more rational future through the eyes of faith, they lack the hope that sustained their forbears. Lacking hope, they experience what Orlando Patterson has called "social death." But, unlike the social death of former slavery, this new social death is fundamentally spiritual, rooted in the destruction of faith and hope. In a world without faith and hope, history and diversity are themselves divested of meaning. And so, as the Christian philosopher Cornel West has argued, the future is transformed into a spectacle of nihilism and decay. It is, in the end, this profoundly spiritual nature of the current crisis that gives it its unique historical character.

As a Pastor, I see all of these statistics reflected in the faces and communities which are in crisis. Be these communities where the sound of gunfire is no longer startling, where children identify street corners by the names of friends and acquaintances who were shot or killed there, or where there are picket fences, tree-lined sidewalks and no bus lines. In both these communities all of these grim statistics are mirrored and multiplied. And the young people know this.

I am told by sixteen- and seventeen-year-old kids, "Listen, if we'll put in sixteen hours selling drugs under adverse circumstances with no retirement, no insurance, at a high risk job, with lots of turn-over and instability, then work is not our problem. It just that we can't get folks to assist us in being legitimate entrepreneurs." It's got to involve economics. High school graduates who do the "right thing" and go to work every day have experienced a 30 percent decrease in the buying power of their wages between 1973 and 1993. For all the youth who are drug dealers and doing the wrong thing, economics are essential.

Ladies and Gentlemen, if we as a nation fail to resurrect a vision of faith, hope, and civil society for this generation of young people who are now unqualified even for slavery, we will greet the dawn of the next century with children drowning in their own blood as we descend into a political state of virtual apartheid. The choice is ours. May God grant us the wisdom to make just decisions.

Senator THOMPSON. Thank you, Reverend Rivers. I can't imagine it being put any more eloquently or more starkly than you put it. It seems to me that we have had some understanding, those who have looked at this problem, for some time as to the severity of the problem. I think the way you gentlemen articulate it here today probably will bring new attention to it.

Not only is it a tremendous problem today; the demographics are working against us and the underlying causes of the problem are working against us. We extrapolate from today's assumptions, but, as we know, those underlying causes are not going to remain static, so it is even worse than it appears.

We even have reached some, I think, consensus as to causes. We can disagree on some of the details. The effects of poverty, of course, are there. We can talk about the extent. The effects of the media and all are subject to debate. But we can hardly debate any more the significance of the absence of parental supervision, those things that Dr. Blumstein points out and other extraneous factors, such as the rise in the crack trade. As I understand, Dr. Blumstein, basically, it is a low-price, volume business and you need workers to do that and they need to protect themselves, and therefore the guns come about. So you have that exacerbating the situation.

What we have not come to terms with, it seems to me, so far is solutions, and I think probably the wisest thing we can do is approach it with a certain amount of modesty in that regard. But even there, it seems to me like we are focusing in on some things maybe as never before and realizing that the problem is so perva-

sive. We are dealing with hardened youthful criminals who are incorrigible, probably, at one end of the spectrum and the 5-year-old who has not yet gotten in trouble. Our task is to deal with all of that, plus the 10-year-old who maybe is in trouble, but is salvageable, and developing policies and approaches to deal with all of that.

It seems to me like we are now really addressing the fundamentals and realizing that a few million dollars from the Federal Government is not going to solve this problem. We are getting down to fundamentals and one of them is early influence on these young children's lives, positive influence from the standpoint of social organizations—Big Brothers, the church. I am delighted to see that unapologetically be laid on the table for the first time, maybe, in a while, really, with this force.

But I ask Dr. Blumstein, without any preconception on my part—it seems that talking about the importance of getting to these children young, the importance of prevention, which now we are coming back to—we go through various phases in the country, it seems to me. We treat them as wayward children throwing rocks through windows for a while and then we get tough for a while, and then we focus in on gangs for a while. Now, we are realizing that prevention has got to be a big part of all that and we are talking about programs that will deal with those children, whether they come from the government or private, or whatever, at such an early age.

As I listen to it, it sounds like we are really addressing the question of whether or not institutions, and maybe even the State—and I use that in general terms, Federal, State, and local—are faced with the task of becoming surrogate parents. Are we at the point where we are going to have to address that question, where the State is going to have to become the parent in some form another to these children because otherwise they will get no parenting?

Mr. BLUMSTEIN. Our tradition has always been that the family is the dominant socializing institution and we would like that to be the case. In years past when families broke down, there were lots of institutional arrangements privately—the extended family, the church, community centers—that were backups. Our mobile society has created a bunch of atomized families that don't have that backup support and we have many more of those than we used to because of all the issues that we have talked about.

The question is what is the division of labor between the family and the State, as you put it, in terms of providing that socializing role. If the State totally eschews that role, then we will suffer the consequences, and so we have got to think hard about what is an appropriate level of intervention that is not only the surrogate family, but supporting the family, providing parent training.

One of the programs that has been used with some success is day care centers in high schools for the numbers of teenage mothers so the mother can go back to school, so that some professionals can help in the socializing of those kids in that early stage, and so that you get day care. That strikes me as a much more appropriate use of resources than welfare checks to the mother, whatever she is doing.

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Senator THOMPSON. Reverend Rivers, can the church be revitalized to an extent to really impact on such a massive problem?

Reverend RIVERS. Two points. One, while the State objectively is not equipped to socialize children, it can provide, as a function of the fact that it has got to reinforce the rule of law, constraints, but it is a fiction at the street level. Every day, my colleagues work with the population we are talking about. The State is not going to socialize them; it is not going to happen.

We are talking about three dimensions. We are talking about the families; civil society, which you didn't include in your formulation; and the State. In the field, on the ground, the State will not be able to provide the kinds of normative frameworks, and another problem, I think, is that we have let these communities in some sense off the hook. There is sort of a liberal view of, well, they are poor, they are really in bad shape, so we can't expect a lot. That is sort of the politically correct liberal line in some circles, not here, of course.

However, the black community needs to be challenged. There are 65,000 black churches in the United States that represent an estimated 23 million black people that are located in the neighborhoods where much of what we have talked about goes on. We in our communities have to be challenged. This has to be a partnership. This has to be the families, those institutions of civil society, and the State, and there need to be challenges across the board.

I would encourage you to challenge us in the faith communities to put our bodies and our money where our rhetoric is. You see, it is inconsistent for me as a representative of the black church to lean on the State to dole out more money when I am not going to put bodies and institutions and my resources on the table. So we have had this ludicrous conversation where we sort of dance around the subject.

On the one hand, there is a role for the State. On the other hand—and this needs to be said in unmistakably clear terms—where there are 65,000 institutions that draw tax-free money located in the most adversely affected communities, we should be leaning on them, and it is hypocrisy and, on one level, racism not to expect the black community to divvy up and mobilize its institutions to meet you halfway. To fail to do that is to presume that black people are incapable of doing anything for themselves, so we have got to rely on the great white father, the State, to deliver black people. I reject those assumptions because I know that we in the churches, if challenged, can be mobilized to do more than we have been doing, and it is happening.

Senator THOMPSON. Dr. DiIulio, would you comment on that and what you see as the proper role of the government?

Mr. DIIULIO. Well, I think Reverend Rivers has it exactly right. Let me step back one moment, one step, and say there is a view, and I do not reject this view, that the last 30-plus years' worth of the development of a Federal welfare system has enervated the civil society of inner-city America; that these government programs, in particular but not exclusively the Federal ones, have had perverse and unintended consequences. It is hard to find anyone of any note or credibility who doesn't agree at least at some level with that proposition.

But some folks take that notion to an extreme. Here is the metaphor I have used. Let's assume you believe that 25 years ago a knife was stuck into the two-parent inner-city family, killing it, and there it lay, you know, 25 years later. You come along now and say, well, gee, our answer is we are going to cut everything back, you know, and we are going to pull out the knife and say, rise, rise. It is not going to happen.

Civil society is strong; it is resilient. Government has pulled back and needs to pull back. These institutions, in my view, can make up a great deal of the difference, but at some fundamental level when you are talking about who is going to provide what level of basic health care to low-income inner-city kids, and so on, there has got to be a new way of thinking about this partnership, a new way of thinking about the interface between government, in general, Federal, State, and local, and civil society.

The way I characterize what Reverend Rivers says is that what he is saying with the 10 Point Coalition in Boston, with the movement that is going on within the inner-city communities nationally based around faith-based organizations, is that we need to replenish the social and spiritual capital of these neighborhoods. We need to replenish and we need to preserve, protect, and defend the social capital that remains, and you are talking about some micro level things.

You try to get a malt-liquor-to-go license at Princeton University, just try it; try to get one in Princeton. You can get it anywhere you want in Camden, every 15 feet. Folks in those neighborhoods don't want it. You are talking about things at the microlevel as well as things at this macro-Federal level, and all that has to be cooking together. We are kind of on the cusp, if we get there, of a national conversation where everybody basically puts aside the traditional terms of discourse, left, right, and so on, and basically talks turkey about what the problems are, what is missing, and the capacity of government not to play mamma and daddy, because that is not going to happen, but to help leverage such social and spiritual capital as remains and to rebuild it.

Mr. BLUMSTEIN. I think we have seen this argument going for a long time. I think Jesse Jackson in Operation Push 20 or more years ago was basically pushing the same argument, and to the extent that we can challenge and can mobilize these organizations, churches, to be effective, that would be fabulous. My concern is that they haven't done that effectively over the last few decades while conditions have continued to get worse.

Part of the issue may well be the issue of resources. Simply posing challenges won't necessarily make things happen, and one of the roles of the Federal Government becomes one of providing resources to mobilize. I am not going to argue at all that it should be civil servants who do these things, but the Government has got to recognize that absent some kind of effective support, things are going to continue to get worse and fall apart and what roles can they play and what can be effective while we do all the mobilization of independent resources that we can.

Senator THOMPSON. One brief question. Your point is well taken, but, Reverend Rivers, you have had pretty good luck in raising private resources in your efforts, haven't you?

Reverend RIVERS. Yes. Well, see, the——

Senator THOMPSON. I mean, it seems to me the question is are resources not there if somebody wants to really go out and spend the time raising them?

Reverend RIVERS. Let me say something about that. See, part of the problem—and this goes back to Professor DiIulio's point—we have got to have a new conversation about this. I agree. There is no question that there is a role for the State. No one is suggesting that there is no role for the State. Can they raise the children? It is not going to happen.

Do there need to be new configurations? Yes. Are there adequate resources? No. Look, there are thousands of people organizing in inner-city communities with no resources. It is a bootstrap operation. They work very hard. They work out of their homes. They need to be supported. I mean, there are thousands, not the Jesse Jacksons, God bless him. I am talking about folks on the ground who don't do the media stuff, but day in and day out do the concrete work who don't come up on the screens and usually make it to Senate subcommittee hearings.

We need to put real resources if we are to avoid—and this is not an exaggeration—a psychological state of apartheid being the normative thing as a result of the backlash of what we have discussed this morning. We need to put more resources behind community-based initiatives because ultimately the crime issue in the black community, in particular, is going to have to be solved by the black community working in collaboration with the public sector at the city, State, and Federal level.

You know, I want to support your point there, but we don't want to do what we did 30 years ago where you set up a poverty pimp bureaucracy and resources never got to the folks that they should have gotten to because we created this bureaucratic layer of fat cats who then evacuated the cities that ostensibly they were to represent.

Mr. FOX. Let me just add something. First of all, it doesn't really matter whether it is the private sector or the public sector, but someone is going to have to do it, and we can battle this for years and years and no one is going to fill the void in our kids' lives.

Let me say something about the public sector here. One of the big changes that I have seen over the years is a cutback in afterschool programs. At one time, kids benefited from music, drama, intramural sports, and for many communities now, if you don't play for the varsity, there is nothing for you to do.

Speaking in Memphis, TN, with the superintendent of schools there, there is interest in afterschool programming and there is money for afterschool programming, but there is a feeling among at least some teachers that that means more work for no more pay. But our schools are a resource and we need to keep them open longer and we need to staff them not just with teachers, but with community personnel who can engage kids in the afternoon in the crime prime hours that I have identified, and in vacation periods.

Last week, where I live, it was vacation week. It is the worst time of year for working parents. It is sort of scrambling to find what your kids are going to do during those 5 days when there really is nothing to do, and many communities are not providing

adequate resources. What we have to understand is that we can't just throw it all on the shoulders of parents and we can't just throw it all on the shoulders of the churches.

Reverend RIVERS. Amen.

Mr. FOX. Government and schools, in particular, have to step in and keep the schools open longer, keep them open on weekends, vacations, and summer time, so that there are safe places for kids to be and quality instruction, mentoring, and programming for kids in the afterschool and weekend hours.

Senator THOMPSON. Senator Biden.

Senator BIDEN. Mr. Chairman, I am not being gratuitous when I say this. This is the first hearing that I have participated in in the last 3 years that has gotten us back to where we were the previous 5 years. In the previous 5 years, we had reached a consensus and then Democrats and Republicans decided that there was political hay to be made in deciding who was going to take credit for what.

You have invited people here who have been here before. I have relied in varying degrees on three of the four men that are here, and I mean that sincerely, and they know it. I mean, I have coopted what they have said. There is a consensus. There is a lot we do know. There is a lot we don't know, and the reason why I always like to hear Professor Blumstein speak is he talks with precision, speaks with precision. Let's acknowledge what we know and acknowledge what we don't know and what we think we know, but we don't have a consensus on.

Your bringing this panel together and your deciding that you are going to get involved in this is the first good news, in my view, on the juvenile justice front in the last 3 years, and I mean that sincerely. When we sat down and wrote the crime bill, that was a bipartisan deal. In case you haven't noticed, it has every single thing you said in it in terms of the component parts, every single piece.

I didn't write that. Phil Gramm sat down and wrote that with me. I didn't write that. Pete Domenici and Jack Danforth came up with the afterschool programs in it. I didn't write that. I am given credit for it. I put it together. I marshaled the political resources, and I will be blunt about it. I think I am the guy that got it passed; I know I am, but I didn't write all of it.

All of a sudden, after we got all that done, there was a revolution among liberals and conservatives, and the revolution was a political revolution. I shouldn't say this, but I am going to anyway. I remember President Clinton trying to get me to sign on to the big health care bill he had and I wouldn't sign on to it. I didn't think it would work. One of the staff said, well, we have a mandate. I said, where in the heck did you get a mandate? Forty-eight percent of the people voted for you. Where is the mandate?

Just like Mr. Gingrich—where the heck did he get a mandate? Twenty percent of the American people walked in and pulled the lever for a Republican candidate—20 percent; 18 percent for a Democrat, 20 for a Republican. Where is the mandate? We suffer from delusions of grandeur down here. We really think we matter. I mean this sincerely. I am willing to rename the crime bill the Republican conservative agenda crime bill to save America, thought up by Republicans only. [Laughter.]

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But, seriously, I am not joking about the pieces of the crime bill. Now, you, Dean, talked about after-school programs. Is there anybody here that disagrees with the statistic that the dean put up showing that—and you are the one who has educated me to this. As my mother would say, you know, this is kind of basic. You have heard me say this a thousand times. I happen, Reverend, to have gone to a Catholic school.

Reverend RIVERS. God bless you.

Senator BIDEN. The nuns used to sit there and make me write, when I misbehaved, which I often did, two things: an idle mind is the devil's workshop. It ain't rocket science. [Laughter.]

I am serious. We are laughing about it, but I am serious. What is the most idle time for young Americans because of the makeup of the work force today? From the time that school bell rings until the time mom comes home or dad comes home or they both come home. Now, what do we have in the crime bill? We have all these afterschool programs, which are characterized as midnight basketball, lily livered, liberal, social science phenomena. They are not. They were not even written by me. They were written by Republicans. It is in the bill.

The chairman says accurately a few million dollars won't help. A few billion dollars will help. Reverend, I know of your program. You are doing great, but you haven't even come close yet. You haven't even scratched the surface and you can't even begin to raise through private funds the money you need. I don't care whether you are the Lord Almighty come back in reincarnation. You can't do it. It is not there.

Reverend RIVERS. That is true.

Senator BIDEN. Look at the statistics. Private contributions for charitable organizations and charitable endeavors have dropped off the edge and they are continuing to drop. So a few billion bucks does little things like—you gave me the statistic, professor, if you will remember, about boys and girls clubs. Remember that? I think it was you, 5 years ago.

You put a boys club in a housing project, get an exact same demographic match and don't put a boys club in it—if I remember, I think they were your numbers, doctor. There was something like a 28-percent reduction in drug use and a 32-percent—rough figures, roughly a third—reduction in rearrest rates, not one new cop, not one new anything.

I have got a guy sitting behind you, Reverend, Reverend Hare, an evangelical minister in a white, suburban community, and he will tell you he has got the same problem you have got in the black community. This isn't black. It is focused on blacks because it is focused on cities. Come with him to Brookmont Farms, come with him to areas in our county.

Somehow, it seems to me I would like—and I mean this sincerely—I would like you all—and scratch my name off it—I would like you to critique this report on youth violence and drug abuse. Be as critical as you can with it and tell me where it is wrong and how we should change it, but again it seems to me the consensus is pretty clear, and let me make sure.

Now, this is my question. I think I understood what all of you seemed to agree on in one form or another. One is after school is

a bad time. We have got to figure out something for kids to do after school. Now, it is best if it is mom or dad that is home, best if it is grandma or grandpa, best if it is blood relative who is responsible at home; second best if it is a community based deal where it is either going to the church, staying and playing on the soccer team.

One of the reasons, Dean Fox, that I have been against consolidated schools, and since I have been a county councilman in 1970 against consolidated schools, is you cannot convince me that we save money by having one high school with 2,000 kids as opposed to 5 high schools with 400 kids where you have 44 people starting on the football team, you have 5 leads in the school play, you have 50 cheerleaders, you have 20 people debating, et cetera. You cannot convince me of that.

I have seen no empirical data to suggest that there is any benefit that flows from diffusing, in a community where there is no parenting or little parenting or less parenting, depending on the community—diffusing the opportunity for children to participate. That is malarkey. Again, it is not rocket science.

Now, I will tell you how I intended the crime bill to work. If you notice, none of it is federally mandated. That money for cops goes out to cops, local cops, local decisions, local communities, and we divided it into three parts. One part is we have got those hardened criminals. We would like to figure out a way to deal with them, but we didn't. They are predators, they are on the street; 30,000 of them last year were convicted of violent crimes and did not serve a single day in jail because there was no space in jails—30,000 of them.

We know only a few things. You put a cop on one corner and no cop on the other corner; a crime is going to be committed on that intersection where the cop is not. That is about all we know for certain. So we need more cops and we need more prisons, but one-third of this whole effort we had bipartisanly agreed upon was prevention, roughly one-third of all the expenditures, and all of it, Reverend, designed to leverage, none of it to dictate.

This is the time, if we are not doing it the right way, to change it. It seems to me the Federal role is very limited. Professor Blumstein, the reason why I helped kill LEAA was because it was doing the exact opposite of the thing it was intended to do and it wasn't adding one new cop, one new fireman, one new anybody to the street. It was revenue sharing.

The reason why, it seems to me, we need to deal with the prevention side is to figure out what the Federal role is. The Federal role should be research. The Federal role, in my view, should be involved with drugs because it is a national problem. No single State can deal with the drug problem.

I remember you and I talking, professor, 7, 8 years ago on the crack epidemic, making the point that Professor Blumstein made. I do a speech. The first time I delivered it was up at Harvard and then I went down to your old institution, Princeton, and gave the same speech, and it was about this notion of drugs and legalization of drugs, which I oppose for a lot of reasons.

I start off the speech—and I would be happy to send you another copy of it; I am serious about this—with a quote from the Balti-

more Sun, front-page article of the Baltimore Sun, talking about the rise of violence in Baltimore due to cocaine, and so forth. Everybody in the audience knowingly shakes their head and then I point out to them it was 1880 it was written—1884. This is the second drug epidemic we have had in America, not the first one, and it didn't take a lot to figure out why they ended the first drug epidemic. A world war came along and helped, but one of the reasons it ended was an extensive focus on drug education. We had five times as many States with mandatory drug education in schools in 1921 as we do today. Our first drug director was a guy named Anslinger in 1923.

But, today, you talk about education and that is a social boondoggle. Today, you talk about prevention and it is a social boondoggle. As you point out, Reverend, my liberal friends point out, well, we have got to raise the minimum wage and that will change everything. It is all poverty; it is no responsibility.

I would like you to go back and look at the prevention pieces that exist in existing Federal legislation and tell me, because you are all professionals—whether it takes 1 week, 1 month, but literally, seriously take a look at it, the prevention piece, and tell us should we spend, over 6 years, as it calls for, $6 to $7 billion on prevention, and if we should, are we talking about doing it the right way. Should we attach less strings, no strings, more strings? What should we be doing, because the truth is we can't solve it federally?

I will end with a statement. I happened to ride down with Reverend Hare from my home State on the train. I am no oracle, although my avocation—I shouldn't acknowledge this—is theology, for real. I am one of those guys that never has talked about my religion and I am one of those guys who practices it every Sunday and during the week in terms of the mechanical parts, going to mass, communion, all those kinds of things that people think are silly and I don't. That is a private thing with me.

One of the things I said on the way down is he and others and thousands across the country are trying to figure out how to get into these communities and reestablish the moral authority of the churches. I said, you know, the most significant thing missed, it seems to me, when theologians talk about the miracle of the loaves and fishes when Jesus fed 5,000—and biblical historians argue about how many people it was. It wasn't that it was a miracle; it is why he did it. He did it so they wouldn't go home. He did it so they would hang around and listen to the sermon. They were hungry, they were hungry. That is why he did it. That is the theological significance of the miracle, if I can presume to suggest as a nonminister what it was.

It seems to me all we can do at a Federal level is marshall the intellectual resources and make pilot programs available to people across the country; two, give dollars where we have a shared responsibility because it is our policy, or lack of a policy, across State borders that causes this breakdown because the problem is drugs, stupid, drugs—drugs, stupid, drugs—in an atmosphere where 71 percent of all the children born 2 years ago into a black family were born into a household where there will never be a father; 48 percent, if my numbers are correct, in Hispanic families; and an astounding 27 or 28 percent in white families that makes the rest of

the numbers dwarf. They are in that 39-million-person cadre of baby-boomlet folks.

We know parenting works. The figure you cited—I didn't know it was that stark, but I know you well enough to know you don't say things you haven't researched. Mentoring makes a difference. So if we can provide the seed money to do some of these things, I think it is good, and the best thing—and I apologize and I will end now, Mr. Chairman. The question I have, because I know you are serious researchers—you are the best in the country and you have very different ideologies in terms of where you come from. You reach the same conclusions, but I doubt whether you ever pulled a lever for a "D," and I suspect maybe you may have pulled—I don't know how many "R's" you pulled the lever for, OK? So I think we probably have covered the spectrum in terms of the politics.

Senator THOMPSON. Who are you addressing? I want to make sure I have this right.

Senator BIDEN. I am addressing you and me. I think you have got it right, I think you have got it right, but they agree on the basic, fundamental things.

So if you take a look at what we have done, what Democrats and Republicans have done so far, and then make one additional recommendation to us—the thing that makes the Senator from Delaware uneasy, and I suspect the Senator from Tennessee uneasy—tell us what you think about guns. You have laid out the picture for us.

I remember when I first got on the Juvenile Justice Subcommittee in 1974. Do you know what the issue then was? Zip guns, Saturday night specials. Pray God we could bring back Saturday night specials as the problem. I mean it sincerely.

If you have any hard recommendations at any level, Federal, State, local, how to deal with guns and youth violence, because you have all cited the same statistics—I will conclude, but if you walk down to the train station here—I don't have to tell any cop this—if you walk down to Union Station on an evening on a weekend, avoid those young white males and young black males who, on sultry nights, are wearing baggy coats and baggy sweatshirts. It is not that they have under those baggy coats and baggy sweatshirts a new fashion trend. It is not that they even have stolen merchandise. It is that they have Glocks; they have 9-millimeter guns underneath those baggy coats and baggy sweatshirts.

We had a hearing on the murder rate several years ago, a panel like this, very distinguished. We asked the five largest—five busiest, I should say, trauma centers in America and the doctors who headed them—I asked a stupid question. I thought I knew the answer and it turned out I did, by accident. Why are there so many more murders? Why is the murder rate up? Is it that that many more people are being shot?

The thing you didn't all mention, but you know, is it is not because that many more people are being shot. There are more people being shot, but the average number of bullet holes in someone taken into an emergency room in 1985, if my numbers are correct, if my memory serves me well, was 1.1 in 1985. Now, it is 2.9, and this very, very sophisticated doctor, a woman, who has run the

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trauma center said, Senator, we have gotten so good that we literally at our hospital removed a .22-caliber bullet lodged into the brain of a child and saved the child's life, but, Senator, a 9-millimeter bullet does not lodge in the lung; it blows the lung out of the body, out of the body.

Mr. FOX. Senator, as you may recall, I was at that hearing and I recall the testimony of the woman. I think she was from Philadelphia.

Senator BIDEN. That is correct.

Mr. FOX. I don't recall her name.

Senator BIDEN. Einstein, if I am not mistaken.

Mr. FOX. They are just not able to keep up. The medical technology and the skills of the emergency room technicians, doctors, and nurses just can't keep up with the increasing firepower of the weaponry, the semiautomatics and the——

Senator BIDEN. It represents, if I am not mistaken, about 6 percent of all the medical health care costs in the Nation.

Mr. FOX. Right.

Mr. BLUMSTEIN. Excuse me. Could I say something?

Senator BIDEN. Excuse me. He is not finished.

Mr. BLUMSTEIN. I am sorry.

Mr. FOX. Let me just say a couple of things, one about the guns and then go back just for a moment about prevention. Actually, let me go back and then end with the guns.

Senator, you talked about the prevention money in the crime bill. Well, if it is actually done right, it will look like the crime bill will have failed in terms of the kids. You see, prevention, for it to work right, we have to emphasize the word "pre." It has to be early prevention, not late prevention, not prevention and intervention geared toward teenagers who are already well entrenched in gangs and drugs, but it has to be done with kids who are 6, 7, and 8 years old when you really will have the impact.

The problem with that kind of a strategy is you will not see the impact of that investment in terms of actual crime reduction for about 8 years when these 6-, 7-, and 8-year-olds are 14 to 16 and are not as violent, are not as involved with drugs as their predecessors were. By that time, the crime bill will have expired. Many people will say, hey, it didn't work, when, in fact, it is working.

The problem in this country is we are impatient. It is sort of our national heritage. We want solutions right away. We want quick and immediate solutions. The crime problem has grown over decades. It is extremely complex and for us to do it right, we have to be patient, and that is where the Senate comes in. With your 6 years of tenure, minimum, it really falls upon you people to lead.

Senator BIDEN. We only have 6 months left. We are up for reconsideration. Our contracts are under reconsideration.

Mr. FOX. As far as the gun issue, there are many, many strategies that are being tried, from gun buy-backs to confiscations. In Massachusetts, a law just went into effect 2 days ago that any child caught possessing a gun will be incarcerated for 6 months, no matter what. All of these strategies will help a little bit, but it is all sort of like trying to bail out the *Titanic* with a paper cup. The flow is just too great.

What we really have to do is do something with the production end. You know, years ago we used to pay farmers money not to produce certain kinds of crops that were in surplus.

Senator BIDEN. We are still doing that.

Mr. FOX. Well, maybe we should be doing the same thing with gun manufacturers, perhaps subsidize them to produce something else other than guns, other than bullets, so they can stay in business and profit, yet at the same time not add to this increasing flow of guns that we are just trying to hold away from the hands of our children.

Mr. BLUMSTEIN. Could I say something on the gun issue? I appreciate that it has become a very partisan issue in this town, but I did speak with an NRA person about—the real focus is not guns in the public; it is guns in the hands of kids. The NRA person's comment was, we, the NRA, don't believe that juveniles have second amendment rights. That may not have been the most articulate way to raise the issue, but my sense is if we focus on guns in the hands of kids, which is where the problem lies most severely—adults are in the gun industry and they have guns, but they are not as tightly networked and they are not using them as irresponsibly. It is the guns in the hands of kids.

There are a variety of programs that are doing some good. New York City has had aggressive stop-and-frisk in neighborhoods where the crime rate has been high. Reuben Greenberg in Charleston, SC, has offered a bounty of $100 for any report of an illegal gun. That does two things. It gets rid of the gun, but it inhibits the brandishing of the gun by the kids who have them and the brandishing is part of the stimulus to escalate the arms race.

In St. Louis, the police department has a program of going to houses and asking the parents, can we do a search to see if there are any illegal guns here; we promise not to prosecute or arrest; we just want to get rid of the guns. They are getting amazing cooperation. In fact, people are calling them and saying, would you search my house, people who are concerned that their kids have guns or are carrying them and just don't want that. If we can deescalate this escalation that has been going on for a decade in the hands of kids, I think that will do a significant amount about the violence rate. It won't touch adult violence, which is certainly involved in guns, but the crucial thing that has been most severe has been the guns in the hands of kids.

Senator BIDEN. If I could be anecdotal with you for just a second, I told the chairman a moment ago that in my community, in what is considered to be, if not the best, one of the best high schools in the State, a kid 2 weeks ago—I am looking at the police that are out there, but I think it was 2 weeks ago, walked into a high school with a live hand grenade, a live hand grenade, into school.

My wife teaches in the schools. A kid came up to her because he liked her and thought she needed protection like his grandma and laid a pearl-handled revolver on her desk as a gift to her because he thought she needed protection—15 years old, selling guns in the school. This is real, this is real.

It is already illegal for children to own them. I don't know how the enforcement does much more. I am, quite frankly, kind of at a loss, except we start talking about safe havens for example, in

the crime bill, in the provision that is very controversial about assault weapons; one of the things I considered putting in and I couldn't get the liberals to go along with was I would like to compensate the manufacturers for the loss of the sale and the employment they lose—I am serious—from the assault weapons, for kind of the reason you are stating.

I must tell you I have some awfully firm views. I am like that Texan who said, I don't know that much about art, but I know what I like. I have awfully firm views on juvenile justice. I am at a loss on the gun side to figure out how to really get a handle on it.

Senator THOMPSON. Well, Senator, you have certainly been at it a lot longer than I have. It does seem to me like we are trying some things and maybe the verdict is not in yet. The technology that we have available to us to detect guns in the world today and the fact that we still have to go about detecting guns on juveniles the way we did 200 years ago, or whenever they started making guns, is kind of amazing.

In Memphis, U.S. Attorney Coleman has a program there that I think has been replicated where they are really making a super-aggressive effort on people who are putting guns into the hands of these kids. Now, that still may be trying to bail out the *Titanic.* I don't know, but maybe if we can figure out some way of evaluating some of these programs. That is one of the problems, I think. Dr. Blumstein points out that it is hard enough to evaluate rehabilitation programs and it is almost impossible to evaluate something that, if it works, you don't see the results. Maybe the crime rate still goes up because of demographics and it could be working wonderfully well, so it is a difficult situation.

Just a couple of comments and one question, if I may indulge you for another brief round here, and that is so many things you mentioned brought Memphis to mind and our hearings the other day. You talk about the community and you talk about the school system and the role it played in the past and can play again in the future. I think we have got to reevaluate several things, some of the very controversial. I am not sure how much we can go back and redo them.

There was an Afro-American lady by the name of Ms. Temple who testified in Memphis. She went into her community and to her high school that she graduated from, and decided to do something with those kids there and did some wonderful things, brought mentors in, people who graduated from that high school who had gone on to be doctors and ministers and business people, and brought them back in and had certain days, and so forth.

Then said almost parenthetically, we give an award to kids across the community who would have graduated from that school. They couldn't identify the ones that were graduating now because they weren't from the community. Because of our practice of sending kids to other parts of the community, and busing, we had to give awards to kids who would have graduated from that school. So it really makes you stop and think.

I want to ask you a bit more of a technical question. I don't know how many of you have had direct dealings with this. Senator Biden probably is our best witness on this, but it seems to me like, in

looking at these juvenile justice funds, over—well, over $162 million in fiscal year 1995; $70 million were in formula grants. As I understand it, the States must spend at least 75 percent of this money on complying with JJDPA mandates which have to do with eliminating status offenders. In other words, you can't do to a juvenile something just because he is a juvenile. You can detain them, of course, within certain limits, making sure that there is no overminority representation, making sure there is separation—all things that are good and we would agree with, and I would presume all things that most States are probably identifying with.

But here we have, it seems, $70 million, where at least 75 percent of it is required to comply with things that have nothing to do with incarceration, that have nothing to do with punishment, that have nothing to do with prevention. I do know that title 5 provides $20 million—States can receive this money for 7 purposes only, such as recreation, tutoring, work skills, health services, alcohol and substance abuse, leadership activities, and teaching of accountability.

We will get into later as to exactly how that is working out and what is being done with that, but it seems to me that perhaps we are a little bit out of kilter here. Although we may be dealing with a small part of the puzzle here at the Federal level, we have got to make sure that we do it in an appropriate way, and I am not sure that requiring millions of dollars for things that may be laudable that are probably already being done anyway, or would be done anyway, is addressing the problem.

Do any of you have any comments on that?

Mr. BLUMSTEIN. I served as chairman of the Pennsylvania Commission on Crime and Delinquency for 11 years, which was the agency that allocated the funds in Pennsylvania, and I can tell you that some of the mandates just got in the way of effective operation. But it is also the case that the easy thing to do at the State level is to put money into incarceration. You are not going to make much difference by using that money for incarceration. That is going to be done anyway. It is politically attractive locally.

So using these incremental Federal dollars for things that are going to happen anyway won't make a heck of a lot of difference, whereas if there are things that are less politically attractive, seen as longer-range—the planning horizon for so much is not beyond the next election, and it is rapidly shrinking to the next poll. So we want to start using this money for investments, as you point out, Senator, that will set up programs that at least we can figure out which are working, which aren't. In spite of the difficulty, we can do better than we are doing now.

So I would argue that there ought to be emphasis or restraint on using these incremental funds for things that are politically attractive locally and use them for where the wisdom of the Senate says these are things that really have to be done, but aren't going to happen unless we start pushing on it, and I think those tend to be the longer-range things, those oriented at prevention, and think that that kind of strategy is entirely appropriate in the use of Federal funds.

Senator THOMPSON. Mr. DiIulio.

Mr. DIIULIO. Well, I would agree that there is an adage, wearing my public management hat, one person's red tape can be another person's treasured procedural safeguard, and I think that applies to what the juvenile justice agency of the Federal Government does.

Having said that, however, I see in that operation much the same thing I see looking at other Federal agencies: bureaucratic genesis over 15 and 20 years—enormous numbers of regulatory weeds that strangle initiative, all kinds of bizarre paper-filing, imbecilic requirements. I guess, here, this is not so much an empirical, but a philosophical difference. I think that the operation with respect to those funds—not all of them by any means—is caught in something of an anti-incarceration time warp; that is to say, there are people at the State and local level who recognize that you have large and growing numbers of kids who are very serious offenders.

Almost every State now either has enacted within in the last 4 years or is considering enacting laws that will make it easier to incarcerate violent and repeat juvenile offenders. If you talk to State prosecutors and you talk to city prosecutors, liberals, conservatives, Democrats, like my friend Lynne Abraham—Senator, we have our annual law-and-order Democrat convention in a phone booth each year. You are welcome to come.

They are sick and tired of some of what they have to go through, so I don't say that we should take a meat cleaver to them, but there is no question that after 20-some years, there is an awful lot of stuff there that probably costs more than it is worth.

Senator BIDEN. Mr. Chairman, once again, I think this is an example of a consensus. It is time, under your leadership, for us to go back and weed through this, but I would point out two things. It can be streamlined and it can still have a mandate, because the truth of it is, having been a local official, I can assure you of one thing. The hardest thing for you to justify doing is spending money on preventing anything. That is the hardest thing.

At a local level, to get the Boston City Council or the Wilmington City Council to spend money on prevention of anything doesn't get done because the interest group instinct is overwhelming, and because it usually relates to taxes. Let me give you a specific example. My State is pretty darned good because we are small. My State's prison system is already 20-some percent over design capacity.

The last 7 years, Democrat and Republican Governors have given a tax cut every year. We argue about how big the tax cut is going to be, and they send me notices to tell me they want me to balance the budget, but they want to make sure I sent them $24 million out of the Biden crime bill to build prisons—all State prisoners. We don't have the problem federally. We pay for our prisons federally.

Now, one other point on how you can simplify it, and I use this as an illustration. Whether anybody likes the COPS program or not, whether you think it makes sense or not, let's put that aside for a moment. I think it makes great sense, but let's assume just for the sake of discussion that we all agree that it was a good idea. After we passed that bill, the Attorney General, who has been extremely cooperative, was a little bit dumb-founded. Two days after

the bill, I asked for a meeting. The bill had been passed and signed by the President, all the hoopla. We passed the crime bill.

We spent 3 hours in my office on one thing. At first, they thought I was kidding. I said I want you to have the application process for police down to one page, one single page, and I promise you, if you do not, I will make it hell for you. Fortunately, the Attorney General, having been a local official, felt the same way. It is one page, one page.

The second thing is the only requirement besides them coming up with their share of the money is an overwhelming philosophic requirement, and it is offensive to some people who philosophically have a different view about federalism, and it says you don't get one penny unless your entire force is in community policing. Everybody knows community policing works. Why doesn't everybody do it? Police departments don't like it. It is easier to ride in the car than get out and walk in that neighborhood, to oversimplify it.

Mayors don't like it. It costs more money; you need more people. City councils don't like it, because they don't want to pay for it. But in order to get a single solitary penny, you have to take the 535,000 cops out there that we are going to add 100,000 to and you have got to leverage them all into community policing, so you get 635,000 cops in community policing. I think that is an appropriate role for the Federal Government.

It seems to me that under your leadership, Mr. Chairman, we ought to be able to go back through the juvenile justice budget and get rid of the stuff that doesn't work, but I would hope we do not adopt the philosophic position that any mandate that is conditional—conditional, since you don't ask for the money—that any mandate relating to law enforcement or juvenile justice is bad because, again, my experience—to use your phrase that you started off with, a little dose of humility is needed very much in this area.

With all humility, having been a local official, I can assure you it is twice as hard for that local official to say they are going to raise money to provide for prevention or to give it to the local churches to have afterschool programs than it is for a U.S. Senator to do it or a U.S. Congressperson to do it. It may move to the point where the consensus we seem to have reached in a general sense about prevention, done well, is beneficial—done well is an important point—has not permeated the permafrost of local governments.

If you think I am exaggerating, just go around and look at how many of them are taking their limited dollars and spending what percentage of them on prevention. They are having trouble keeping their eyes above water to deal with the first problem, just clearing the streets, just making them safe.

I really appreciate your time, Mr. Chairman. I see Professor Fox has something he wants to say. It is your call whether you want to let him say it. It is your hearing.

Senator THOMPSON. Certainly.

Mr. FOX. Briefly, on this prevention issue, many communities have been gearing prevention programs toward high schools, indicating these are our problem kids and this is where we need prevention. But the kids you most need to reach aren't going to high school, or if they are going to high school, they are not listening,

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or if they are listening, they don't care. That is really why we need the prevention programs like conflict resolution programs geared toward the elementary grades when they will have an impact, but that is even harder to sell to local communities because they say, well, the 5th and 6th graders aren't the problem, it is the 10th and 11th graders. We understood that when we put the DARE program at the lower levels. Whether or not that is working, I am not talking about that at the moment, but simply the idea of focusing on young children is the right idea.

Senator BIDEN. We are trying in our State, under the leadership of Colonel Gordon, who is behind you, to move the DARE program from just the 5th grade to the 1st, 2nd, 3rd, 4th, and 5th grades.

Senator THOMPSON. Reverend Rivers.

Reverend RIVERS. Very quickly, picking up on Dean Fox's point, it is precisely for the reasons that he has just outlined that you are going to have to figure out ways with these new partnerships to get to these kids because, see, beneath all the economics we have talked about is a crisis of moral and cultural authority among these kids.

When you work with these younger children, if you cannot transmit the norms and values and provide a mechanism for socializing these children so that they know the difference early between spitting on the ground and killing their neighbor with the Glock they found in the street, you are going to have a major problem. Here, you know, institutions that are responsible for transmitting those kinds of norms and values, faith-based communities, are going to have to be at the table, because even with the school stuff, see, there are issues around—I mean, they call it values clarification. That is some of the amorphous language you use.

There are some more fundamental, basic issues around the meaning of life which determine the direction for kids, and that is why churches are now mobilizing to work with schools so we can begin to transmit the kinds of values and norms that will make a difference in this child's life further on down the line.

Senator THOMPSON. Thank you very much. We are going to have a witness here in a minute, I know, that is going to talk about what the local communities can do without Federal coercion. I am not sure not enough of them are doing it. He happens to be from Tennessee, coincidentally.

Gentlemen, I want to thank you very, very much. I have not had the opportunity of working with most of you, as Senator Biden has, and I hope that I can pick up and catch up in some way with him and all of us work together toward really putting this on the front burner and doing something good here.

Senator BIDEN. Mr. Chairman, with your permission, I would like to submit 3 or 4 questions that, in due time, if you all could respond to in writing, I would appreciate it.

Senator THOMPSON. So ordered.

Senator BIDEN. Thank you.

Senator THOMPSON. Our next panel is the Hon. Carol Kelly, the Hon. C. Van Deacon, Col. Thomas Gordon, and Rev. Steven Hare. Thank you very much. Senator Biden will be returning in just a moment, but we will proceed.

This is the Hon. Carol Kelly, juvenile court judge, Oak Park, IL.

PANEL CONSISTING OF HON. CAROL KELLY, CIRCUIT COURT JUDGE, OAK PARK, IL; HON. C. VAN DEACON, JR., GENERAL SERVICES AND JUVENILE COURT JUDGE, BRADLEY COUNTY, TN; THOMAS P. GORDON, FORMER CHIEF OF POLICE, NEW CASTLE COUNTY, DE; AND STEVEN HARE, FAITH CITY BAPTIST CHURCH, NEWARK, DE

STATEMENT OF JUDGE CAROL KELLY

Judge KELLY. Thank you for the opportunity to speak today. I am a circuit court judge in Chicago, IL, and for the past 2 years I have been assigned to the juvenile division, handling delinquency cases. I am assigned cases from a geographic area on the west side of Chicago called Lawndale, which is one of the most run-down and violent, impoverished, gang- and drug-infested areas of the city.

I assume I was asked to address this committee because I have the dubious distinction of having been the judge who incarcerated reportedly the youngest person in this country. To give you a brief summary of the case, in October 1995, 5-year-old Eric Morris was lured to an abandoned apartment in a public housing project by 2 boys, ages 10 and 11. Apparently, the boys were upset with Eric, because he refused to steal candy for them. In the presence of Eric's 8-year-old brother, the two juveniles held Eric out of a 14th-floor window. The victim's brother managed to pull Eric inside, but the boys lured Eric to another window and again held him out. This time, his brother was not able to save him, and when he tried, he had his hand bitten by the 11-year-old. When Eric's brother let go upon being bitten, Eric was dropped 14 floors to his death. Eric's brother testified in my courtroom that he ran down all 14 flights of stairs to try to catch his brother.

In the wake of this case and another case of a 9-year-old who murdered a 14-year-old girl and was then murdered himself by fellow juvenile gang members, the Illinois legislature passed a law allowing juveniles 10 to 12 years old to be transferred to our juvenile division of the department of corrections. Prior to that, a juvenile had to be at least 13 years of age to be placed in the department of corrections. The public was justifiably outraged at the brutality of these two crimes committed by such young children, and also the increase in violent crimes by younger and younger children, in general.

In the first hearing of its kind in Illinois, I heard 5 days of testimony on our department of children and family services' motion to transfer the boys, then 11 and 13, to the department of corrections. The issue was whether they should be placed in the department of corrections or a private, secure residential treatment facility.

Both boys had a history of delinquency and aggressive, out-of-control behavior. Both had low IQs. The youngest reportedly had an IQ in the upper 50's, and he also came from a family where the mother and father were substance abusers. Both boys had numerous contacts with the police at their young age. The 10-year-old had just been given probation for unlawful possession of a gun 9 days before he murdered Eric Morris.

Despite the criminal background of the two minors and their despicable crime, I struggled for weeks with my decision to incarcerate them. Though their actions were cruel and heartless, as I saw them

fooling around in court during breaks or on their way to the lock-up, what I saw were two young little kids. When they first appeared in front of me, the youngest child could barely see over the bench. They each had a long life ahead of them, and would incarcerating them with bigger, older boys, many of whom are gang members and all of whom had failed to respond to any previous intervention, really be in the best interests of them or the public?

It would ensure that they were off the streets for a few years, but then what kind of young men would be unleashed back into society? They had committed the ultimate act of violence at ages 10 and 11, and what would they be capable of at 17 and 18 without appropriate intervention and real rehabilitation, and could they get what they needed in the department of corrections?

Of course, I was told by the officials from our corrections department that they could provide educational and mental health services equal to those of any private residential treatment facility. Considering the overcrowded conditions and limited personnel available at the department of corrections, I found that testimony to be ludicrous.

The main purpose of juvenile courts is rehabilitation. We have a system different from adult courts because we are dealing with children. Juvenile courts correctly recognize that because of their young ages and the fact that they are still developing and maturing in all ways, we have a chance to intervene and get their lives back on track. My dilemma was: Would incarcerating an 11- and a 13-year-old get them back on the right track or would it simply punish them for what they had done?

Granted, the juvenile facility is nothing like an adult State penitentiary, but it is still part of the prison systems. There are guards, not therapists or social workers to monitor them. Every night, they are locked in 8- by 12-foot cinder block cells with steel doors. They are surrounded by barbed wire fences. What can we expect of a child who grows up in a prison?

On the other hand, what kind of message do we send to these two boys and other children like them when we say, you took the life of someone else, but we won't send you to a correctional facility; we will send you to a 40-acre campus-like setting where you will have your own well-furnished room and you can learn to play golf and go horseback riding? That was the one facility that had been located for the younger of the two.

Senator BIDEN. Play golf and horseback riding, for real?

Judge KELLY. For real.

Would they really learn that what they did was wrong? Some of these young violent offenders don't see that there is anything wrong with their violent acts. For many, violence was such a part of their lives that it comes naturally. That is the way that they respond to situations. Many go to sleep with the sound of gunfire, and losing a friend or relative to violence is a common occurrence. It is cheaper to get a gun than to get a Nintendo.

The defense attorneys made a strong argument for a private residential treatment facility. They certainly have the ability to provide intensive services, both educational and mental health. However, that comes at a price, also. A one-year stay at the facility that accepted the youngest boy costs $150,000 per year, compared to

$17,000 per year at the State correctional facility. Though cost was not a factor in my decision in determining what to do with these two young violent offenders, we as a society cannot afford to provide this type of service to all those who could benefit from it.

The other consideration I had was: Will anything we do at this point change these two boys and make them decent, law-abiding citizens capable of having empathy for others, or have they been so damaged by this age that there is nothing that can be done? I could not say that they are beyond hope, though I fear that is the case, at least for the youngest boy. I also thought, if there is hope, shouldn't they be given the most intensive services available?

After going back and forth for a week, I finally decided to transfer them to the department of corrections, and I kept coming back in my mind to the crime itself and their long criminal history at that point. They never showed one ounce of remorse for Eric's death. I felt to send them to a treatment facility would negate the seriousness of their crime. Also, I felt that their continued aggressive and disruptive behavior, even in the secure facility of the detention center in Cook County, indicated that they still posed a danger to other children and that they needed to be in the most restrictive setting available.

However, I also made it clear that I expected the department of corrections to provide all the services that they told me they could provide, since technically they are on my probation for the next 5 years. So I still have some control over what goes on, and I ordered both of them to have all the psychiatric, psychological, and educational testing completed in 8 weeks and then to appear back in my courtroom with a treatment plan for these two.

I am not here as an expert on juvenile violence. I can't quote statistics or point to research studies. All I can do is tell you what I see from the bench day after day and the dilemma that I faced in this case. What I see frightens me. I spent 15 years as a prosecutor in Cook County and I was never so frightened as I have been over the past 2 years in juvenile court. On any given day, I have 50 to 100 cases, 90 percent of which involve guns, drugs, and stolen cars. Today, I have over 2,100 cases on my court docket, and I am only one of eight delinquency courtrooms. I have 18 probation officers assigned to my courtroom alone, all with caseloads over 50.

As everyone has said here so far today, if we are going to prevent juvenile violence, we must commit our resources early on, not by the time they see me in court. We don't have the money to build enough prisons to house all the present juvenile offenders, much less the ones to come. In Cook County, approximately 10 or 11 years ago, we had two abuse and neglect courtrooms. Today, we have a huge, new building four times the size of the old one, with 14 abuse and neglect courtrooms, and all of those courtrooms are bursting at the seams.

You don't have to be a statistician to see that of all those abused and neglected children, many will end up eventually in my delinquency courtroom. If they have not been given the care and nurturing that they needed in the first 10 years of their lives, can we expect to rehabilitate them then, and at what cost?

Our county can't afford to lock up all those delinquent children who will be flooding our juvenile justice system, and resources

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must be committed to saving children as soon as they are conceived. The huge increase in abused, neglected children is directly linked to drug use, especially crack cocaine. Not only are they abused and/or neglected by their drug-addicted mother after they are born, but they suffer the physical effects of having been exposed to drugs in utero. I see many of those children in my court today who are having learning problems in school, who are aggressive and disruptive, and we are paying the cost for that, also.

Despite my decision to lock up these two particular young boys, I do not believe that the answer to this growing problem is to lock up more and more children. We should not treat children the same as adults, and if they are sent to a correctional facility, we need to make sure that all of their educational and mental health services needs are met. Without effective treatment and rehabilitation, we will only be producing bigger, more violent criminals.

Thank you for this opportunity.

Senator THOMPSON. Thank you very much, Judge Kelly.

[The prepared statement of Judge Kelly follows:]

PREPARED STATEMENT OF JUDGE CAROL KELLY

My name is Carol Kelly. I am a circuit court judge in Chicago, Illinois. For the past two years, I have been assigned to the Juvenile Division, handling delinquency cases. I am assigned cases from a geographic area on the West Side of Chicago called Lawndale, which is one of the most run-down, violent, impoverished, gang and drug infested areas of the city.

I was asked to address this committee because I have the dubious distinction of having been the judge who incarcerated, reportedly, the youngest person in this country.

In October 1994, five year old Eric Morris was lured to an abandoned apartment in a public housing project by two boys, ages ten and eleven. Apparently the boys were upset with Eric because he refused to steal candy for them. In the presence of Eric's eight year old brother, the two juveniles held Eric out of the 14th floor window. The victim's brother managed to pull Eric inside, but the boys lured Eric to another window and again held him out. This time, his brother was not able to save him. When he tried, he had his hand bitten by the eleven year old. When Eric's brother let go, upon being bitten, Eric was dropped 14 floors to his death. Eric's brother testified in my courtroom that he ran down fourteen flights of stairs to try to catch his brother.

In the wake of this case and another case of a nine year old, who murdered a 14 year old girl and was then murdered himself by fellow gang members, the Illinois Legislature passed a law allowing juveniles 10 to 12 years old, to be transferred to the Juvenile Division of the Department of Corrections. Prior to that, a child had to be at least 13 years of age to be placed in the Department of Corrections in Illinois. The public was justifiably outraged at the brutality of these two crimes committed by such young children and the increase in violent crime by younger and younger children in general.

In the first hearing of its kind in Illinois, I heard five days of testimony on our Department of Children and Family Services' motion to transfer the boys, then 11 and 13, to the Department of Corrections. The issue was whether they should be placed in the Department of Corrections or a private, secure, residential treatment facility.

Both boys had a history of delinquent, aggressive, out of control behavior. Both had low I.Q.'s—the youngest reportedly had an I.Q. in the upper 50's. He also came from a family where the mother and father were substance abusers. Both boys had numerous station adjustments (where children are released to a parent after an arrest and no charges are filed with the court). The ten year old had been given probation for unlawful possession of a gun only nine days before he murdered Eric Morris. Neither boy suffered from a mental illness or a psychiatric disorder. Neither boy had ever expressed any remorse for the victim's death or empathy for him.

Despite the criminal background of the two minors and their despicable crime of dropping an innocent five year old to a terrifying death, I struggled for weeks with my decision to incarcerate them. Though their actions were cruel and heartless, as I saw them fooling around in court during breaks or on their way to the lock up,

I saw two little kids. When they first appeared in front of me, the youngest could barely see over the bench. They each had a long life ahead of them. Would incarcerating them with bigger, older boys—many of whom are gang members, all of whom have failed to respond to any intervention—really be in the best interest of the minor and the public? Of course, it would ensure that they were off the street for a few years, but what kind of young men would be unleashed back into society?

They had committed the ultimate act of violence at ages 10 and 11. What would they be capable of at 17 and 18 without appropriate intervention and real rehabilitation? Could they get what they needed in the Juvenile Department of Corrections. Of course I was told by officials from Corrections that they could provide educational and mental health services equal to those of any private residential treatment facility. Considering the overcrowded conditions and limited personnel available at the Department of Corrections, I found that testimony to be ludicrous.

The main purpose of juvenile courts is rehabilitation. We have a system separate from adult because we are dealing with children. Juvenile courts recognize that because of their young age and the fact they are still developing and maturing in all ways, we have the chance to intervene and get their lives back on track. Would incarcerating an 11 and 13 year old get them back on the right track or would it simply punish them? Granted the juvenile facility is nothing like an adult State penitentiary, it is still part of the prison system. There are guards, not therapists or social workers, to monitor them. What can we expect of a child who grows up in a prison?

On the other hand, what kind of message do we send to these two boys and other children when we say "You took the life of someone else, but we won't send you to a correctional facility. We will send you to a 40-acre, campus-like setting where you will have your own, well-furnished room and can learn to play golf and go horseback riding". Will they really learn that what they did was wrong? Because, believe it or not, many young violent offenders do not see anything wrong with their violent acts. For many, violence was such a part of their lives that it comes naturally. Many go to sleep with the sound of gunfire. Losing a friend or relative to violence is a common occurrence. It's easier and cheaper to get a gun than to get a Sega Genesis.

The defense attorney made a strong argument for a private residential treatment facility. They certainly have the ability to provide intense services. Of course, that comes at a price also. A one year stay at the facility that accepted the youngest boy costs $150,000.00 per year compared to $17,000.00 per year at the State correctional facility. Though cost was not a factor in my decision in determining what to do with these violent young offenders, we as a society cannot afford to provide this type of service to all those who could benefit from it.

The other consideration I had was—will anything we do change these two boys and make the decent, law-biding citizens capable of having empathy for others or have they been so damaged by this age that there is nothing that can be done? I could not say that they are beyond hope, though I fear that is the case—at least for the youngest boy. I also thought if there is hope, shouldn't they be given the most intensive services available?

After going back and forth for a week, I finally decided to transfer them to the Department of Corrections. I kept coming back in my mind to the crime itself and the fact that this act was not an aberration in an otherwise normal childhood, not just a lapse in judgment which can occur with young children. Rather, their crime was planned and executed with no regard for human life. It has not even a violent act in which they were somewhat removed from the victim, as in firing a shot from a distance. In this case, they picked that little boy up and held him out of a 14th floor window, not just once but twice. And then they just let him fall to a terrifying death. They never showed an ounce of remorse for Eric's death. I felt to send them to a treatment facility would negate the seriousness of their crime. Also, I felt that their continued aggressive and disruptive behavior in the detention center indicated they still posed a danger to others and they needed to be in the most restrictive setting available.

However, I also made it clear that I expected the Department of Corrections to provide all the services they told me they could provide. I ordered them to have all psychiatric, psychological, and educational testing completed in eight weeks and made those available to the court. I also stated that I expected the correctional facility to be only the first step in a long term treatment plan, which would include a less restrictive setting if the boys responded positively to therapy.

I am not here as an expert on juvenile violence. I can't quote statistics or point to research studies. All I can do is tell you what I see from the bench day after day.

What I see frightens me. I spent 15 years as a prosecutor in Cook County, and I was never so frightened as I have been over the past two years in juvenile court. On any given day, I have 50 to 100 cases—90 percent of which involve guns, drugs,

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and stolen cars. I have over 2,100 cases on my court docket, and I am only one of eight delinquency courtrooms.

Day after day I see children who were born with ten strikes against them. They grew up in a violent area where gunfire is a daily occurrence. Drugs are sold on every other street corner and gangs are everywhere. I am appalled at the number and age of the children who are caught with guns. Very few of my children have any contact with their father. Many have mothers who are drug addicts or in prison.

The cases I see are heartbreaking—a ten year old boy who had acid poured on his head by another juvenile and is now hideously disfigured; a four year old girl who was stabbed 15 times by a 15 year old girl and who has scars all over her body; the 13 year old who was shot 11 times and may never walk again; the children who are sexually assaulted and abused by other children.

One of the hardest things for me to get used to has been when a child's case is called, the prosecutor dismisses it with the order, "death suggested cause abatted." Another child who died a violent death. In all my years as a prosecutor, only a handful of cases were dismissed in that way. In only two years at Juvenile Court, I have dismissed a dozen cases in that manner. These are children who are dying violent deaths on our streets.

The problem of juvenile crime and violence is growing unbelievably from my perspective. It has gotten noticeably worse in only the two years I have been sitting in Juvenile Court, despite enormous resources committed to the problem. By the time children reached my courtroom, it is often too late.

If we are going to prevent juvenile violence, we must commit our resources early on and make some drastic changes. We are locking up our young people in record numbers in Cook County. Our Cook County Juvenile Detention Center was built for 500 children—we now have over to 800 there on any given day.

The Department of Corrections is over capacity also. Despite this, crime is continuing to increase. We do not have the money to build enough prisons to house all the present juvenile offenders, much less the ones to come.

The reasons for the increase in juvenile crime are obvious. Drugs, gangs, lack of family structure, poor schools. In Cook County, 10 or 11 years ago we had two abuse and neglect courtrooms. Today, we have a huge new building four times the size of the old one, with 14 abuse and neglect courtrooms, all of which are bursting at the seams.

You don't have to be a statistician to see that of all those abused and neglected children, many will become delinquent. And if they have not been given the care and nurturing they needed in the first ten years of their life, can we expect to rehabilitate them?

Our county cannot afford to lock up all of those delinquent children who will be flooding our juvenile justice system. Resources must be committed to saving children as soon as they are conceived. The huge increase in abused and neglected children is directly linked to drug use, especially crack cocaine. Not only are they abused and/or neglected by their drug-addicted mother, they suffer the physical effects of having been exposed to drugs in utero. We lost the war on drugs many years ago from what I see.

Despite my decision to lock up these two, I do not believe the answer to this growing problem is to lock more and more children up. Without effective treatment and rehabilitation, we will only be producing bigger, more violent criminals.

Senator THOMPSON. Judge Deacon, the weather is a little better than the last time we had a hearing.

Judge DEACON. Absolutely.

Senator THOMPSON. I appreciate your coming up. Judge C. Van Deacon, juvenile court judge, Cleveland, TN.

STATEMENT OF JUDGE C. VAN DEACON

Judge DEACON. Thanks for the opportunity to share with you my views with regard to the problems that we are facing in not the urban areas of our country, but in the suburban and rural areas.

Senator Thompson and Senator Biden, I am a general sessions and juvenile court judge. I exercise domestic relations jurisdiction by special act of the legislature. My docket is some 10,000 cases, including everything from——

Senator BIDEN. Ten thousand cases?

Judge DEACON. Annually, yes, sir.

Senator BIDEN. The court's or yours alone?

Judge DEACON. In my courtroom. I do everything from car wrecks, contract disputes, evictions, to divorces, child support enforcement, paternity, legitimation, and juvenile cases.

Senator BIDEN. If my mother were here, she would say to you, judge, no purgatory for you, straight to heaven.

Judge DEACON. That is what I keep telling them, you know. I have got a nice little cartoon about being damned if you do and damned if you don't, and that is what we face today in this country.

I am going to depart from what I have written. You know, I was a prosecutor for 15 years and a few years in private practice as a criminal lawyer. I have been on the bench since 1990 and it is just amazing the changes between 1974, when I graduated from law school, and what we see today.

Back in 1974, I mean it was just terrible if a child was caught with possession of marijuana. I mean, we would never even begin to contemplate the dangerous drugs that they have today. To even consider a child being armed was beyond the pale; that was just not going to happen. It didn't happen in our community. To compare shoplifting offenses and joyriding to what is going on today, with rape, armed robbery, aggravated assaults, and murders, you know, moving from misdemeanors to felonies, it is amazing the transition that has taken place.

Youth gang activity is no longer confined to the major cities. We are no longer dealing with isolated, random acts of violence, but increasingly with hardened, violent young offenders bent on having it their way, and I guess I need to just tell you what some of my biases are. Experience as a prosecutor and on the bench have necessitated some biases in dealing with my particular type of jurisdiction.

First of all, it is just of critical importance that people understand that if you don't love children, if you don't have an abiding belief that children are our future and they need our guidance and support, then you shouldn't be involved in the juvenile justice system or in the educational system.

To take a phrase from Star Trek, education is the prime directive. If we are not involved in the education of our children, then I hate to think of what the future holds for us. If we do not incorporate into our efforts a program, or at least define a policy that says educators are going to have to be part of the solution as well—we cannot exempt them from responsibility. We have told families that they are irrelevant in our past policies, but we can no longer do that. If you are not part of the solution, you are part of the problem.

Now, from the empirical data and the conclusions of a lot of the experts that you have heard from this morning, when you look at delinquency, there are absolutely four things that I think are critical in determining whether or not we are going to have a delinquent situation. The most powerful predictor of delinquency—there are three of them—a lack of parental supervision, a lack of parent-child involvement, and parent rejection of child.

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I mean, how many times, Judge Kelly, have you had parents come in and say, I can't do anything with this child any longer; take them, judge; I can't do it anymore; they are yours? Those are powerful predictors for future delinquent behavior. The best predictor for potential failure in life is truancy. It is absolutely the lowest common denominator that we can look at and use as an indicator for potential life failure for a child.

Violent families beget violent children. You know, when we talk about rehabilitation, if we haven't had habilitation in the first instance, there is nothing to rehabilitate. We can take children from the community and put them in a correctional facility, but if we don't work on the basic family or if we don't have an alternative plan for that child, somewhere where he can spend his 19th Christmas—if we don't have an alternative, then we are going to put that child back in a home. It is just like washing a glove and immediately taking it and sticking it back in a bucket of tar. I mean, if we don't deal with that whole unit—you know, if we are not building families, we are going to have to build more penitentiaries, more prisons, because that is what is happening in our country today.

In our community, it is apparent that prevention and intervention work. We have done a lot of things. We have found that we could not rely on the Federal Government or the State government to satisfy those needs and we have looked to the region. We have asked ourselves what do we need. Programs like—it used to be called America 2000; now, it is called goals 2000—has been a great vehicle for us to pull together community leadership and say what is wrong with the school system, what is wrong with the court system, what are we doing for our children. You know, this has been a great vehicle for us to pull together the community to address the problem.

The point, I guess, I want to make about that is if we are going to deal with it, we are going to have to target the resources in the region and the community, and the community is going to have to be involved. I was asked recently about, you know, how did we get where we are, and my response was this policy of inflexible mandates that tell me in the State of Tennessee that I have inappropriately spent $124,000 last year because we developed a program called family friends that was basically a volunteer organization. We went into the homes of children at risk and we prevented over 100 children from going into State custody by utilizing volunteers. We saved the State of Tennessee over $3.8 million, but for some hoop that we didn't jump through or administrator in Nashville or Knoxville didn't jump through, we are now under some sanction.

How did we get where we are? Inflexible mandates, this attitude of paternalism that we get that father knows best, and father, of course, being here in Washington, and this whole attitude that we have all got these wonderful rights, but we don't have to be responsible for our behavior. I was amazed to hear Reverend Rivers this morning, and I just think it is the greatest thing in the world what he said. You know, for 60 years we have allowed the Federal Government to usurp the function of the community, of the family, and the church, and now it is time that they take responsibility and that is what we are all about.

It is wonderful to be here with people that have a clue, and I think you gentlemen obviously are very concerned about it and the comments you have made this morning reaffirm my faith that we can make this work.

Thank you.

Senator THOMPSON. Thank you very much, Judge Deacon.

[The prepared statement of Judge Deacon follows:]

PREPARED STATEMENT OF JUDGE C. VAN DEACON, JR.

I have been a General Sessions and Juvenile Court Judge since 1990. Prior to my election, I was an Assistant District Attorney General for 14 years, and in the private practice of law. My judicial duties include Civil litigation, Child Support, Domestic Relations, and Juvenile Jurisdiction. Annually, my case load is in excess of ten thousand (10,000) cases. Four thousand (4,000) civil cases require less than twenty percent (20%) of my average week. The remaining eighty percent (80%) is dedicated to what might be called Family Court matters: Divorce, paternity, legitimation, child custody, child support, and Juvenile cases.

In 1990, I inherited a staff of two full-time, and one part-time juvenile probation officers. Their case load averaged fifty (50) youths each. Annually, several hundred children found their way into the "system." Probationers were required, monthly, to come to the courthouse, after school, to meet with their probation officer. The juvenile docket was limited to one half day each week. The progression of children through the "system" was: warning, county probation, state probation, commitment to state custody. Fines and court costs were nominally collected, and the basic orientation was Law Enforcement, including weapons and badges. Children were detained in that portion of the Bradley County Jail designed for female prisoners, and supervised by the adult correction staff. There were few, if any, outside contacts with children or their parents/families. There were no prevention or intervention programs. Schools were referral sources, not work sites.

Today, the Juvenile staff includes a Director, seven full-time Youth Service Officers, a part-time Community Service Coordinator, and twelve on-call Youth Correctional Officers. In cooperation with the two local school systems, a School-Based Probation program has been implemented, with Youth Service Officers spending the majority of their time assigned to each high and junior high school. Case loads are still high, too high, but manageable. We now have a Temporary Holding Resource to detain children. The juvenile docket now requires two days each week, and felony arraignments are conducted daily, as needed. Nearly sixty five percent (65 percent) of my court time is required to manage the Juvenile caseload. In self defense, community-based Prevention and Intervention programs have been developed to interrupt the cycles of Domestic/Family Violence, substance abuse, teen pregnancy, teen violence, and school dropout/truancy. These issues are now being addressed by our community, but more intensive education of the public is necessary to assure their acceptance of the problem as their own.

There is a vast difference in the kinds of young offenders we are dealing with today, as compared to 1974, when I was a young prosecutor. Violent crime has skyrocketed. We have gone from shoplifting and joy-riding, to rape, armed robbery, aggravated assault, and murder; from status offenses and misdemeanors to felonies. Youth gang activity is no longer confined to large cities. We are no longer dealing with isolated, random acts of violence; but, increasingly hardened and violent young offenders bent on having it their way.

Experience has necessitated several biases in dealing with my particular jurisdiction: If you don't love children, or have an abiding belief that children are our future and need our guidance and support, you shouldn't be involved in the Juvenile Justice or educational systems. Education is the "Prime Directive". If you are not part of the solution, you're part of the problem.

Experience and empirical data lead me to the following conclusions: The most powerful predictors of Delinquency are: Lack of parental supervision; lack of parent-child involvement; and parental rejection. Truancy is the best predictor for potential failure in life. Violent families beget violent children. Without habilitation there's nothing to rehabilitate. If we are not building Families, we had better build more Prisons.

There is no doubt in my mind that Prevention and Intervention are indispensable tools to accomplish the task facing all Juvenile Court judges. The programs we have implemented are successful. They work.

Currently, we have:

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Campus Court: Thirteen local attorneys devote hundreds of pro bono hours each year serving as Juvenile Court Referees. Assigned to each school in Bradley County, they deal with truancy and ungovernable behaviors of children, K–12, in an informal setting. By intervening as early as possible, problem solving is facilitated, truancy and dropout are prevented.

Family Friends: A community-based family intervention program consisting of volunteers under the supervision of a professional staff, which provides support to families at risk of having one or more children placed in state custody, while "weaning" them from dependence on community/governmental services. The goal is to enable the family to function independently as a unit.

Citation Program: To minimize formal court treatment for minor offenses, except drug use/abuse, this program allows offenders to pay a fine and perform community service, rather than appear in juvenile court. It requires families of offenders to appear for an introduction to the Juvenile Court, a discussion of the alternatives, and an opportunity to avoid further formal proceedings. At the end of the school year, and completion of the requirements, offender records are destroyed, unless additional offenses occur.

The Teen Learning Center: A joint program of the court and city school system to address the educational needs of (1) children a risk of commitment to state custody, (2) Children 2 or more years behind academically, (3) Pregnant teens/teen mothers at risk of dropping out, (4) Students eligible for GED preparation.

These are just a few of the efforts made to intervene early, and as often as necessary to save our children. We realize that we can't save them all, that there will be a few "combat losses", but working with community leaders, educators, attorneys, and private citizens we have developed innovative, community solutions for our children and families. Realizing that no one solution is appropriate for every situation or community, we sought the help of all who shared our common concern. Months, and sometimes years, were needed to model solutions. Preliminarily, national and state resources were consulted, and they responded. The Tennessee Commission on Children and Youth, The National and Tennessee Councils of Juvenile and Family Court Judges, The National Center for Juvenile Justice, and the Office of Juvenile Justice and Delinquency Prevention all provided invaluable assistance in helping us to learn what aid was available, what worked and what didn't as well as, providing financial assistance for information systems, staffing, and last year, an assessment of our juvenile operations.

Tennessee's Children Plan has worked well in southeast Tennessee by allowing us to target appropriate available state resources on those whom we could help the most. Without the Children's Plan, and the Southeast Tennessee Community Health Agency, my job would be impossible.

America 2000, now Goals 2000, provided a community platform from which many initiatives were discussed, developed, locally funded and supported. By encouraging citizens with common concerns to work together in solving local problems, Cleveland/Bradley 2000 has been a catalyst in developing grassroots involvement to help our community do something about education and life-long learning.

Some children must be confined until such time as they can be safely returned to society. They are dangerous, oftentimes, feral predators without remorse or sense of their proper place in society. Unfortunately, there is little that can be done for them. However, there are thousands which can be led to productive citizenship by community-based early intervention and prevention programs, funded by public and private agencies at the local level. Until such time as these resources are returned to regional and local governments, with appropriate federal guidance and encouragement, much will be consumed by the "system/process" with little eventually reaching the population most in need.

It is up to communities to assume responsibility for their children. Cooperative efforts by the courts, law enforcement agencies, our schools, and citizens can produce appropriate results; but only if the resources are targeted on the at-risk population. Regional and locally developed and supported plans should be sought, and funded for specified periods, with continued funding based on demonstrable results. These funds should be available on request, apportioned much the way current state Basic Education Program funding is allocated. This weighted distribution assures equality of access to needed resources.

APPENDICES

1. Executive summary—Kids Count: the state of the child in Tennessee.
2. Campus court.
3. Jump start.
4. Family friends.

EXECUTIVE SUMMARY

The statistical information in this report was gathered from raw data and reports generated by other Tennessee state agencies or state departments, the U.S. Census Bureau, and other sources of data on children. The most current available data are presented here. Narratives on each child well-being indicator were developed to provide contextual information for the county-by-county statistics. An analysis of the data in this report reveals vital information on the quality of life for Tennessee's children. The major findings of this report are listed here.

CHAPTER 1—FAMILIES AND COMMUNITIES

Single-Parent Families

Tennessee ranks second worse among the states in the percent of children living in single-parent families. From 1985 to 1991, there has been a 33 percent increase. Children from single-parent families are more likely than children living with two parents to live in poverty, have low academic achievement, and become involved with the juvenile justice system.

Poverty, AFDC, and Child Nutrition Programs

More than a fourth of Tennessee children live in poverty. Current AFDC payments in Tennessee are not enough to bring families out of poverty. The maximum AFDC benefit a family of three in Tennessee can receive is $185 per month while the national average benefit level is $393.

Many Tennessee students who are eligible to participate in the government-subsidized, free- and reduced-price breakfast program cannot do so because their schools do not offer it. Although the School Breakfast Program is an entitlement program, it is not available to 18.2 percent of the eligible children.

Teen Crime

The number of referrals to juvenile courts in Tennessee for violent crimes has more than doubled in the past decade. Many factors that are strong predictors of violent behavior are known. They include increased availability of firearms, alcohol and other drugs. Other important factors predictive of teen crime include lack of parental supervision, poverty and single parenthood. In 1992, only 13.7 percent of juveniles referred for murder in Tennessee lived with both parents.

Children in State Care or State Custody

Since Tennessee's Children's Plan was implemented in 1991, the number of new commitments has been fairly stable. Prior to The Children's Plan, new commitments to state care increased 65 percent between FY 1983–84 and FY 1990–91. Between FY 1990–91 and FY 1993–94 there was an eight percent increase in commitments. Approximately one percent of Tennessee's children are in state custody.

CHAPTER 2—HEALTH

TennCare

Almost one in four Tennesseans is covered by TennCare. More than 50,000 children ages birth to 13 who were not eligible to be covered under Medicaid are now covered by TennCare. More than 119,860 females ages 14 to 44, roughly childbearing age, are now covered and have greater access to prenatal care. A total of 385,938 people who were uninsurable or uninsured in Tennessee now have medical insurance through TennCare.

Prenatal Care, Low Birth Weight and Infant Mortality

Nearly a third of all births in Tennessee in 1992 lacked adequate prenatal care. Women who do not receive adequate prenatal care are at risk of delivering premature or low-birth-weight babies. Low birth weight is a major cause of infant mortality. There was a four percent increase from 1990 to 1992 in low-birth-weight babies born in Tennessee. In 1990, 8.2 percent of all births were infants weighing less than 5.5 pounds. In 1992, 8.5 percent of all births were of low birth weight.

Tennessee's infant mortality rate declined 54 percent from 1973 to 1991, from 20.3 per 1,000 in 1973 to 9.4 in 1992. The most recent figures show this downward trend may be accelerating. From 1990 to 1992 there was a five percent decline in Tennessee's infant mortality rate. The infant mortality rate went from 10.3 per 1,000 in 1990 to 9.8 in 1992.

The nonwhite infant mortality rate in Tennessee is more than twice as high as the white rate. The white infant mortality rate in Tennessee is 6.9 per 1,000 com-

pared to the nonwhite rate of 16.9 per 1,000. In Tennessee, more than 99 percent of the nonwhite population is African American.

Child Deaths

There has been a 28 percent decline in the child death rate from 1980 to 1992 in Tennessee among children aged 1 through 14 years old. The rate in 1992 was 31.9 per 100,000 compared to 44 per 100,000 in 1980. Accidents are the leading cause of death—41.5 percent of Tennessee's child deaths were caused by accidents.

Teen Pregnancy

From 1991 to 1992, there was a seven percent decrease in Tennessee's teen pregnancy rate for girls aged 10–17 years. In 1992, the rate was 23.8 pregnancies per 1,000 females compared to 25.6 in 1991. Decreases occurred in rates for both white and nonwhite females from 1991 to 1992. The white rate declined 7.9 percent from 19.1 to 17.6. The nonwhite rate declined 6.1 percent from 48.9 to 45.9.

Sexually Transmitted Disease Rate

A dramatic 23 percent decline occurred in the sexually transmitted disease (STD) rate for Tennessee from 1991 to 1993 for teens aged 15–19. During 1993 in Tennessee, 7,581 teens aged 15–19 were reported having STDs for a rate of 2092.0 per 100,000 while the 1991 teen STD rate was 2636.4 per 100,000.

Teen Violent Deaths

The number of teen violent deaths has increased six percent from 1984 to 1992. There were 253 teen violent deaths in 1984 compared to 269 deaths in 1992. The teen violent death rate in 1992 was 73.9 per 100,000. Approximately 90.7 percent of the 269 violent teen deaths in 1992 were due to motor vehicle accidents or firearm injuries.

Teen firearm deaths increased 135 percent from 1984 to 1992. In 1984, 12.8 percent of all teen deaths were firearm-related. By 1992 the figure had grown to 30.2 percent of all teen deaths. Sixty-eight percent of all the state's teen firearm deaths occurred in the metropolitan counties of Shelby, Davidson, Hamilton, and Knox.

CHAPTER 3—EDUCATION

School Enrollment, Grade Retentions and Graduation Rate

Student enrollment from 1990 to 1993 increased six percent from 858,991 students in 1990 to 906,451 students in 1993. More students failed to be promoted to the next grade in 1993 after two years of continuous decline. The greatest increase in retentions was at the high school level with a 22 percent increase from 1992 to 1993. In 1992, 18,599 students were retained and in 1993 the figure was 46,299.

The number of high school graduates declined 21 percent from 1990 to 1994 while twelfth grade net enrollment increased. In 1990, there were 55,582 graduates compared to 43,564 in 1993. Twelfth grade net enrollment went from 52,795 students in 1990 to 53,258 in 1993.

School Suspensions and Expulsions

Incidents of school suspensions have risen 49 percent from 1990. There were 71,498 suspensions in 1990 and in 1993 there were 106,756 suspensions. Expulsions increased 78 percent from 1990 to 1994. In 1990 there were 397 students expelled and 709 students were expelled in 1993.

Reasons for suspensions and expulsions that have significantly increased over time include: absenteeism, tardiness, and truancy; immoral/disreputable conduct; personal violence; fighting among students; and possession of a firearm or other dangerous weapon.

Student Learning

Tennessee students are performing within the average range compared to other students in the nation. For five years, Tennessee students have scored at or above the average range on 98 percent of the nationally normed test items on the Tennessee Comprehensive Assessment Test (TCAP).

The results of the test items on TCAP that measure mastery of grade-level skills are not as encouraging. Only 57.1 percent of students in grades two through eight mastered grade-level language arts skills on the 1994 TCAP exam. Only 46.8 percent of students in grades two through eight mastered their grade-level math skills on the 1994 statewide test.

Dropping Out

Tennessee's dropout rate had a 24 percent decline from school years 1991–92 to 1992–93. The percentage of Tennessee dropouts declined from 6.3 percent in 1991–92 to 4.8 percent in 1992–93.

School Violence

There were more than five times more students expelled for possession of firearms and other dangerous weapons during the 1992–93 school year compared to 1990–91 in Tennessee. During 1990–91, there were 33 expulsions compared to 173 expulsions in the 1992–93 school year.

CAMPUS COURT—TRUANCY COURT MODEL

Contact: Honorable C. Van Deacon, Jr., Juvenile Court Judge, Bradley County Courthouse, Cleveland, TN 37364–0703.
Tel: 615–476–0522.
Fax: 615–476–0488.
Program Type: Truancy Intervention.
Target Population: Students with behavior problems, K–12.
Setting: Schools in Bradley County, Tennessee.
Project Startup Date: 1991.
Annual Budget: No funding necessary.
Program Description: The Truancy Court model, which serves between 150–250 students a year, aims to reduce truancy through early identification and intervention. When a child has two unexcused absences, the student, parents, and teachers are contacted to address problems related to the truancy and develop a plan for resolution of the difficulties.

If the student accumulates five unexcused absences, a truancy complaint is filed against the student. If the parent/guardian is identified as "failing to send" a child to school, then an additional complaint may also be filed against the person. Using a pro bono attorney as Juvenile Court Referees, official truancy hearings are conducted as needed at the student's school. If it is determined that the truancy did occur, the Court focuses on identifying the source of the problem and developing a plan to resolve the problem. If parents are the obstacles to improving the child's school attendance, the Court deals with those parents in appropriate court proceedings.

All available school and community resources are used to develop effective interventions for the child or parents. All participants are volunteers. A Truancy Program Advisory Committee, established in each school in the system, serves as a communication link between the Court and school staff, assists with program development, implements strategies to ensure uniform compliance, and creates a means to recognize students with improved attendance. However, children who are currently on probation or have other charges pending in court are handled through regular Juvenile court proceedings rather than Truancy Court.

Program results are dramatic, with less than 5% recurring truant behavior among participants.

Seventeen (17 percent) of cases in 15 month period ended in referral to Juvenile Court for other/non truancy related reasons.

JUMP START

Contact: Honorable C. Van Deacon, Jr., Juvenile Court Judge, Bradley County Courthouse, Cleveland, TN 37364–0703.
Tel: 615–476–0522.
Fax: 615–476–0488.
Program Type: Intervention to prevent school dropouts.
Target Population: Junior high school students at risk of delinquency.
Setting: Junior high schools in Cleveland and Bradley County, Tennessee.
Project Startup Date: 1991.
Annual Budget: $80,000.
Sources of Funding: Bradley County Juvenile Court, Job Training Partnership Act, and local private funding.
Program Description: Jump Start is an early morning program designed to serve youths at risk through the auspices of the Juvenile Court system. A seven-person staff comprised of counselors and teachers places particular focus on dropout prevention. Each school has a certified teacher and teacher's aide. A structured format, offered daily from 6:15 to 8:15 AM, allows participants to work on upgrading basic learning skills using the PACE learning system. Further focus is also put on developing stronger self-motivation to improve school attendance, grades, and social

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skills. The two hour daily schedule includes: breakfast, cultural enrichment and discussion, and individual PACE educational work. The newest component of the program is a once-a-week group therapy session conducted by trained psychologists. Although most participants are court ordered to participate in the program, those who are at risk of becoming offenders can voluntarily attend at the recommendation of school attendance chairpersons or vice principals. Underage participants may enroll if they are in special need and if an independent sponsor will pay for the costs of enrollment.

Program results average a 3.3 yearly improvement in basic skills: reading, language arts, and math; and a 90 percent plus dropout prevention rate among participants.

FAMILY FRIENDS PROGRAM

Contact: Honorable C. Van Deacon, Jr., Juvenile Court Judge, Bradley County Courthouse, Cleveland, TN 37364–0703.

Tel: 615–476–0522.

Program Type: Prevention, family preservation.

Target Population: "At risk" juveniles who come to the attention of the Bradley County Juvenile Courts, local school or other service agency.

Setting: Bradley County.

Project Startup Date: 1992.

Annual Budget: No funding necessary.

Information Source: State of Tennessee, Department of Finance and Administration.

Annual Budget: $126,000.

Source of Funding: State of Tennessee, in kind funds from Bradley County.

Program Description: The Juvenile Court Family Friends Program is designed to provide community based, family intervention/preservation services and activities. The Program is not intended to provide intensive supervision, rather its purpose is to provide support services while "weaning" the family from dependence on government based services over a maximum four (4) month period. The goal is to enable the family to function independently as a unit. The Family Friends Program assists the family in dealing with such issues as self-interest, social interest, self-direction, tolerance, flexibility, acceptance of uncertainty, and other parenting, educational, employment, and family interests.

By intervening and preventing over 100 children from going into state custody during fiscal year 94–95, Family Friends has saved the State of Tennessee over $3 million dollars.

Senator THOMPSON. Col. Thomas P. Gordon, retired, New Castle County Police Chief, New Castle, DE.

Senator BIDEN. Mr. Chairman, if I may, since these two are Delawareans—Colonel Gordon is recently retired as of 2 days ago. The woman in black sitting behind the judge is his successor. She is the new colonel of the second largest police force in the State and one of only two women in all the United States of America to hold such a position.

Colonel Gordon is here because he is the one, along with others, who got the police agencies in the country to sit down at a table 6 years ago and write the crime bill that had the prevention piece in it. It wasn't social workers who asked for the prevention piece. It wasn't judges, even, although they supported it. It was the cops, and Colonel Gordon has been a leader in our State and in our region, in the Northeast, in community-based policing efforts, I mean actually putting cops on the streets.

I went to a civic association meeting, parenthetically, the other night—23 people at a civic association with a cop there. A county cop regularly attends every one of the civic association meetings. That is real community policing. He is the guy that did it, so I am delighted he is here and thank him publicly for all the help he has given me in the past in this legislative effort federally to figure out how not to interfere with the States, but help.

STATEMENT OF THOMAS P. GORDON

Mr. GORDON. Thank you very much again for the opportunity. Before I heard all this great testimony, I had prepared a speech that articulated all that you have heard about juvenile justice and violence, and let me say that I am from a county of 400,000. That is the largest population in Delaware of the 3 counties. We are in between Washington, Philadelphia, and New York. Some of our crimes in the last several years have been on all the major networks—"20/20", "60 Minutes," "Primetime."

With that said, before I speak about prevention, which is kind of the closest thing that I think you can compare a police chief to, being liberal, I want to tell you of an experience that I had when I first became police chief that I think would be consistent with what traditional policing is all about in this country.

I made police chief in 1989, and in the little town of Middletown, south of our county, there was a drug problem. Neighbors were complaining. It ended up on major networks criticizing me after only being in 3 weeks, and I responded with a large raid. It took several weeks and we put 45 of these juveniles in jail on mandatory sentence which we got from the Federal Government at the time because we had not had any. They were near parkland.

The following day, I walked down that street. It was like a ghost town because all the kids were in jail. That is what the parents wanted, I thought. What occurred shortly after that is the second wave began and they began to teach new kids, and pretty soon we had the same problem. I then went on with our police chiefs in that State and we created the toughest laws for drugs probably in the country. We filled our prisons up and now we are going to be using all of our capital and bond money to build more prisons, and I have to tell you that probably a lot of that is the drugs.

We began to think, because my staff had a tremendous background, I think, in management and private sector principles, is this really the way to do it. We began to do some research and that research led us to all the root causes that you hear today. It is a lot of broken families. Poverty is intertwined in all of it. There is a breakdown of the schools. We said we are never going to solve those problems in my career. What about if we just accept that these kids have problems and what can we do about that?

We then approached our corporations and we took the worst area of the county that we were having bad police problems. It was a minority community—fights, police problems. We went to the corporations and we got them to invest in a $3 million building we put down in parkland in what was a terrible area. We sold it to them that if this doesn't soon stop, it is going to threaten the corporations in Delaware.

Senator BIDEN. You have to understand what that means in Delaware when you say that.

Senator THOMPSON. I do.

Mr. Gordon. We got $3 million rather quickly. We then placed it in this area, and everyone said it won't last a week, it will be torn down, they will destroy it, wrong place. I myself went there before it was open, and the kids had been hearing about it and 200 mostly African-American kids and myself—I opened the door and I said I

have 1 hour. They poured in. I thought, oh, my God, how am I ever going to get them out?

I looked at this group and I said, statistically, 60 percent of these kids are going to be in the criminal justice system; very tough to see which ones they were. They didn't have serial numbers on their heads. They looked like normal kids. That was the beginning of some of our research. We said we have created this ownership theory.

Within 1 hour, something occurred. They began to pile out, very orderly. It was probably because they wanted it opened again. We opened it up. Things went very well. The first 2 days, we had a basketball stolen. We closed the gym. The basketball came back. Since that time, and it has been open 1½ years, we haven't had a single act at all of any kind of problem or destruction; in fact, just the opposite. No one should dare try to injure this building.

We took and we created half of the building for education, with the Federal Government, the only money we used. We brought in a teacher. We learned that if you keep jobs to a minimum, voluntarism will take off. If you have too many jobs, everybody wants a job and nobody will volunteer. The communities are using it now as a hub to augment the system that is failing for their kids. When a third grader can't learn to read, I submit if they can come here and read, it is the system and not the kid. Grades are going up, as well as it is the absolute finest athletic center in the State of Delaware.

We could have built it for $1 million, but part of the theory was it had to be first class because the kids buy into it by giving us their grades. If you fall below a C, you have to go into the other section before you can experience all the many, many athletic programs. Not one kid today has walked away from that program.

We are seeing a lot of research when we saw that 50 percent of the population there was females, and we all thought females would be involved in sports, but this female population was more at risk than the males. They had nothing going for them. They didn't play basketball; they didn't know how to play basketball. So we dedicated half of the facility for children, for these young girls, and we began to think—the statistics say between 3 and 6. These young women are getting pregnant. Well, if they are in this center between 3 and 6, I know we can keep that from happening, and it is happening.

Nothing takes place without the educational component. SAT scores are being part of their program, and I can tell you that a lot of things are happening. First, we have not had since it opened one complaint on the police department, which was a weekly thing for me when I became chief. It is tough to complain about the police when they are mentoring your kids. Conversely, the kids are having a tough complaining or agitating the officers when they are so involved.

I laugh about the night basketball that got out of the crime bill because I experienced, going in there at 10 at night, the community police officers that the Senators provided for us—two of them were sitting inside the gym and I said, why are you in here on Friday night? This used to be when I needed 40 cars on a Friday night. They said because there is nothing going on out there; everybody

is in here. I mean, this isn't rocket science. Two officers could handle what would have taken a whole fleet of officers.

The kids not only are in there, but they are all numbered and we are tracking all of their grades. There are no complaints of police brutality. They wouldn't think of it; it is dropped. The young girls are beginning to get involved in programs and there are many, many success stories. Although we have been open for a short period of time, I could go on about how we have been able to increase the grades, get these kids back into school, work with the schools; instead of condemning the schools and saying the system failed, giving these kids some tremendous mentors as police officers. Police officers are the most visible form of government. They can affect the lives of these kids. This program will work.

We also see that arrests are way down. Police are less likely to probably arrest a kid for a petty crime when they have invested so much time in them. We are beginning to see things like police probation where one might have to clean stables for doing something wrong, as opposed to being arrested and going through the system and sitting in court for a year and getting nothing at the end of that anyway except a rap sheet.

I can tell you that some of my recommendations and some of the research we took from that we have implemented into a community policing strategy throughout our county, where the police department in the last 7 years became more diverse because you want to draw upon these mentors to affect the communities that you are having the most problem with.

I can tell you that what I think I need to do to continue is to have each State form either a commission or a juvenile crime/justice czar where they do research on what works because, as Senator Biden produced a catalog of hope, everybody is going about their own way of solving this problem, but nobody really knows whether the PAL Program is working, whether the DARE Program is working, whether the GREAT Program is working. I think it needs to be on a State level because each State is different; tailor programs that will work for that State.

I think the best thing the Federal Government could do is provide research for that effort because I do believe that there is a problem with juvenile justice and juvenile crime, but I think a lot of it has to do with gearing and engaging these young kids in activities through their youthful times with a very valuable element of our society, which is the police officer who makes the difference whether that child at his first contact becomes a criminal or is treated in many cases like he would have treated his own son—a pat on the back and maybe a pull by the ear, into something like a facility like PAL.

You know, I got a call from that little town, Middletown, about 1 week ago where they are still selling drugs, and we refused to do a drug raid. We would have been better off by just lining the street with police officers and disrupting the drug traffic for some period of time because arrests in that case did nothing to stop that crime, but we did create a whole generation of criminals.

Senator BIDEN. Colonel, would you explain to the chairman the age of the kids that participate in the facility? I want to emphasize

this is a neighborhood, I promise you, none of you would walk through.

Mr. GORDON. A funny story is—it is 8 to 18. My first week in there, there was a little boy out front who was crying and I sent an officer over to see what his problem was. He was only 7, so what we ended up doing is—it is 8 to 18, but much younger kids will be in there. You know, afterhours, it becomes 8 to 80. I mean, athletics is the one universal language that young people speak. It is a tremendous carrot. If you build it, they will come.

I go throughout our State and I see a lot of places where they have good programs, mentoring and computer programs, but the kids won't come. Why would they want to come there? They don't want to come to our mentor program, but they will do it to be part of this great athletics center, which doesn't stop at basketball. There is a karate program taught by the officers that you couldn't pay for if you went into the private industry to get a number of black belts. Everything had to be first class and we did everything first class, and what we are going to be able to show is this cleaned up—we are going to be sending a lot of young males and females to college when they would have gone to jail.

Senator BIDEN. Mr. Chairman, I know this is not consistent, but in order not to break the continuity, would you please, Colonel, tell the chairman and the committee the incident you told me about young girls and empowering the young girls and the pregnancy when the boys wouldn't let the girls in? I thought I had learned most of what there was to learn about this. This was fascinating to me.

Mr. GORDON. You understand I had a major at the time who happened to be a female who came over and said, where are the women, where are the young girls? We had opened it up and we filled it with young minority males, generally, and while they are here, they are here to usually provide a service. The boys have them on Friday night. The boys tell them where to show up. It immediately got changed, as you can imagine, and half of the week was turned over to the young girls. Well, the boys didn't like that. They kind of stood out front for the first couple of times.

Wednesday night, for example, when we brought in the greatest coaches in the State that taught the greatest athletic basketball team, which was all white, if you can imagine this—brought them in and we began to teach basketball to these young minority girls. Well, the boys didn't like that at first, but now they are used to it. It was quite controversial, but if you think about it, you know, we just assumed that they are watching and they didn't want to play, but that is not it at all.

You really needed to clean them out of the boys because it would be an interaction that would have ruined it; all women, all girls, the place is shut down. The boys are not in there, and I can tell you tremendous things happen. We went about and we brought in the best basketball team in the State that was practicing for high schools and there was an interesting exchange because most of these women were very, very wealthy. The wealthy women got to see some of the young girls at 11 bringing their kids to basketball. The young girls who lived there got to see that these girls that we brought in had more to aspire for than their boyfriends. They

would come in their very nice cars and their families, and what took place was a real valuable exchange that would not have taken place. There was an exchange of values and these young girls, I think, are beginning to believe that the American dream could be provided to them. In fact, some of them have gotten scholarships now to college.

The whole thing is being looked at by the teacher that we hired to make sure that everyone is in a position to get into college and, as I say, SATs are, you know, a weekly thing that takes place. All kinds of rich exchanges are taking place with these young girls now. They have formed a steppers program where they march. There is a mother-daughter program that takes place.

What you have to do is occupy their time from the minute they are out of school until you place them into bed. With all kids, if you don't have the family to do that—and I would argue most of these kids do not have the family. Some of these kids we take home because they have nobody that will come to get them. Many of their parents are doing drugs and don't know if they are there or not. Many of them came from hotels, and we ended up wondering why they were hanging around all weekend and it was because they were hungry. We had to take care of that to a small degree.

Many of them said, it is very easy to teach about DARE when I—it is very tough for me that I have to go through the drug dealers to get into my motel room, an 8-year-old boy told me. But when he comes to the PAL center, which is policed by police in a whole different role—they may wear guns, but in many cases they don't. The young boys and the young girls are seeing police officers in an entirely different role, and I would say that I think that this is the only group in the country that I think is in a unique opportunity to affect the course of juvenile violence on a much larger scale.

We are interested in taking a look at some of the very, very tough parts of our city and place one of these in. It is different from all other groups in that police officers get to play in this beautiful facility, also, and they might open it up at night and bring a squad in there, but they have to exchange some time with the kids. The idea is to forge a relationship between probably the most important segment of the society, that police officer and when he makes that discretion as to whether you have committed a crime or not, and the young kids that are primarily without any kind of guidance, especially in this neighborhood.

Without talking forever about who did what and why they don't have parents and why they are being sexually abused, you can build in a system where you are looking for that. We have had the sexual abuse. That is taken care of. We have had when we first opened a lot of pregnancies and we think we are cutting that out. Again, that is not a very tough equation. That is probably the easiest thing. If you keep them busy and you supervise them, you are not going to have too much of that problem. The residual effect of this is I have had no complaints of police brutality in that area in the last few years.

Senator BIDEN. Those cops don't get paid.

Mr. GORDON. No; but they get paid because they get to use this facility that they would pay $3,000 a year for, and they get to use it at night and they have a beautiful weight room. I think that

some of them, particularly the minority officers, view that there is a serious crisis here because their population is about to go from 60 percent in the criminal justice system to maybe 90. They don't have a lot of time left.

Our officers, the college-educated minorities, I think, are in the best position to formulate a prevention strategy because they made it a very tough world—to formulate a strategy that will work, but I think you have to get around these root causes.

Thank you very much.

Senator THOMPSON. Thank you very much, Colonel Gordon.

[The prepared statement of Mr. Gordon follows:]

PREPARED STATEMENT OF THOMAS P. GORDON

My name is Thomas P. Gordon and I have been the Chief of Police in New Castle County Delaware for the past seven years. New Castle county is located approximately half way between the city of New York and Washington, DC. We are a well populated county of over 400,000 residents in established urban centers which blend well into more rural settings of farms and pasture. We are, for most intensive purposes, a good sample of typical America.

It is with great respect and admiration that I address you today on a subject that is, for many Americans, unthinkable, yet presents one of the major problems facing our nation. Juvenile Violence.

Juvenile Violence is growing at an incredible pace in Delaware, as it is across the nation. The American Justice system is being deluged with cases that no longer involve what many Americans once saw as only petty crime. Today incidents of dramatic violence and felonious, criminal activity are perpetrated not by toughened adults, but by children under the age of 18.

On a daily basis, Law Enforcement officers from across this country are confronted with incidents of serious criminal activity specifically perpetuated by juveniles.

In my 23 years in law enforcement, I have personally seen a dramatic increase not only in juvenile crime, but in the violence associated with juvenile crime. While the children involved in illegal behavior become younger and younger, the methods by which they commit their crimes become ever more violent.

In the small town community of Middletown in New Castle County we recently received a report of a missing 9 year old child. The community united with our Police department during the intense search for this child. When his lifeless body was located within walking distance of his home, the entire town felt the sorrow of a mother who would never hear the laugh of her 9 year old son again.

This commuity's sorrow quickly turned to horror when a 15 year old friend of the victim was identified as the probable suspect. When arrested four days later, this 15 year old was charged with not only murder but also with Unlawful Sexual Intercourse.

A 16 year old student at a high school in Delaware was recently taken into police custody when it was discovered that he brought a live hand grenade to school in his pocket. Unfortunately, this was not the only weapon to be seized from our schools. Brass knuckles, pistols and a sawed-off shotgun have also been taken.

During another investigation, charges were brought against a 15 year old who had repeatedly sexually assaulted his three younger siblings, ages 10, 8, and 7 over several years. It was later determined that the juvenile offender had himself been sexually abused by a friend of the family.

Police reports this year reflected an ever increasing use of firearms by juveniles during the commission of crimes. 13 and 14 year olds are threatening to use and are using handguns against not only their perceived enemies, but also their parents and so called friends.

A charge of 2nd degree murder was recently placed against a 16 and 17 year old after police determined that they had physically beaten a 20 year old man to death while they attended an underage drinking party.

An officer from my own department was permanently disabled when a juvenile in a stolen car refused to surrender, and then intentionally drove the vehicle at the officer, pinning him under the front tires and nearly killing him. This same juvenile showed no remorse for his wrong doing and even bragged about almost killing a police officer during his incarceration in a juvenile detention facility.

But these incidents are not in any way limited to our local area. Throughout the United States, juveniles are committing these types of crimes.

In Philadelphia, several youths were recently convicted in the beating death of Eddie Pollick.

In New York, three 15-year-olds were arrested for killing two people during a robbery spree, the suspects wanted money to spend over a holiday.

In Chicago, police conducted an all out search for an 11 year old who had shot three teen-agers, killing one. This 11 year old was later killed by members of his own street gang.

This is the type of blatant disrespect for authority and life that is driving our country into the ground. The scourge of juvenile crime is no longer just a big city issue. Juvenile violence has now become an issue that snags at every level of our socio-economic fabric in every city, town, hamlet, and community. But even more horrific is the fact that juvenile crime is becoming more violent every day. Children, yes children, those under the age of 18, from across our country are turning more towards truly violent crime. Guns and knives are now taking the place of paper and pencils in many book bags across our country.

Gangs are playing an every increasing role in the social development of our children and take the place of family and community morays.

Illicit drug abuse by those under the age of 18 has skyrocketed along with the crimes associated with this abuse such as burglary, theft, robbery, and even prostitution thus further eroding our value structure.

Sexual abuse and assault perpetrated by juveniles are also increasing dramatically. Are these children simply acting up? Are the social values given as examples for our children to follow so deficient that they find it natural behavior?

Parents now routinely call police departments requesting police assistance in controlling their unruly children. This was unheard of until recently, but today police are being asked to be the disciplinarian of the family.

Police know that the breakdown of family values, which include the mentoring, support and attention that many of us take for granted, is a primary contributing factor to this increase in juvenile violence.

To help fill this gap are Community Policing efforts which we have found to be excellent solutions to these staggering problems we now face.

The Police Athletic League, PAL, has been extremely effective in New Castle County. We recently completed a brand new, state of the art, facility in an area plagued by juvenile crime.

This 3 million dollar complex now stands as an anchor to the communities where weeds and grass once grew unchecked. Built entirely from private sector contributions, not one tax dollar was spent in its' completion. PAL now represents one of the shining examples of what can be done when governments and the private sector work together for the good of present and future generations.

This organization offers far more than just recreational opportunities in a controlled and structured environment. The PAL emphasis is in strengthening young minds as well as bodies, a requirement for all PAL athletes is good school grades.

PAL provides tutoring in state of the art computer labs as well as SAT preparation courses and scholarship search assistance. Mentoring is supplied by not only Police officers but also area residents who volunteer time to ensure the communities of tomorrow are better places to live.

Special emphasis is also placed on building confidence in female PAL participants while providing the necessary tools and experience for their future passage into the adult world.

A recent success story was one female who had been out of high school for over a year before coming to PAL. We assisted this young woman through our PAL-Ademics program and today she has received a scholarship for college.

Other programs such as GREAT, Gang-Resistance-Education-And-Training as well as DARE, Drugs-and-Alcohol-Resistance-and-Education, are now offered in schools throughout our state thus offering other alternatives to today's youth. These programs offer interaction between police officers and school children and hold high the ideals that made this country what it is today.

Modifications to the probation and community service plans that are offered to some juvenile offenders have also begun to make a difference in how juveniles respond to their own wrong doing. Allowing police officers to take on the role of probation supervisor during off duty hours has allowed many kids to see that cops really are people too while encouraging improved behavior in children through better example setting.

But the key to any effective prevention program has got to be early intervention. What ever efforts we as leaders make, must start at the beginning of the cycle, not at the middle or end. We must make our initial intervention efforts to change the

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spiraling problem of juvenile crime at the very beginning of a child's encounters with life. As the age of offenders continues to decrease and the severity of offenses increases, we must tailor our efforts to the age at which we can best influence our children.

The phrase, "an ounce of prevention is worth a pound of cure" was never more relevant than today. We as leaders can either agree to invest in our children today with worthwhile programs of mentoring, intervention, education, and yes in some cases incarceration. Or we can choose to ignore our own staggering statistics of juvenile crime in which case we can begin to build the hundreds of new prisons that will be required to house the thousands of additional offenders who we failed to turn around.

I wish to thank you for allowing me the time to address your committee and will be happy to answer any questions or concerns you might have.

Senator THOMPSON. Rev. Steven Hare, Faith City Baptist Church, Bear, DE.

STATEMENT OF STEVEN HARE

Reverend HARE. Thank you for the privilege of being here today, and thank you especially, Senator Biden, for this opportunity.

I believe the many approaches toward youth violence, there is a need for balance between punishment and responsibility and prevention. Young people must be taught that with every right, there is a responsibility. Negative actions produce negative consequences. While there should be penalties that get the attention of young offenders, we have got to focus our energies on finding innovative prevention efforts that give lasting results.

Obviously, being in the religious community, I am thankful for the many wonderful people who are active in their synagogues and parishes and churches beginning to express a greater concern for the youth violence in their own hometowns. So, as a result, I have seen some endeavor to take part of their church facility, make it available for their young people, design programs to provide a solution for this problem.

I teach my congregation that your mission field begins in your own backyard. Recently, we enhanced our outreach to our community with a program that we call project restoration. Through project restoration, we targeted an area that is known for crime and violence, held a big block party, had live music, free food, special entertainment, and this event attracted hundreds of kids who come out from that area. We had our staff go among the people because we believe that before restoration, there must be relationships. We believe that relationships in life are two ways; first, vertical—that is, upward—and if that is right, horizontal.

So these relationships were taken on and glue began to get between the individuals there and the kids. So, that one big block party turned into having over 100 young people every week come out to our church. When they come out, we offer them contemporary music, free food, spiritual activities. When they first came, it was pretty challenging to our facilities and to our people. We began to listen and began to care about them.

In so many words, these kids were crying out for somebody to take an interest in them, and I think there were two things they were really reaching for. They wanted structure and, second, they really did want discipline. They wanted an opportunity and they wanted to prove that even though they came from the area that they came from, they could do something positive and something

good with their lives. We have seen a big change and a turnaround in many of these young people.

This was all provided in a religious facility that brought about a change of actions, but above the change of actions, we see a change of heart. There must be a change of heart, really, before there is a change of actions, and that could be a theological discussion that could be disagreed on, but I believe that when you fix the inside of a person, it affects the outside and their actions.

We see the power and influence of television and radio upon these kids and, of course, many of us in this hearing today are aware of that problem. We believe they have enough negative media that ensures and reinforces their negative behavior and it legitimizes it. So as an alternative to the negative media, we built a radio station, WXHL–FM, and we built a television station, WXHL–TV 14, to provide alternative programming to these young people.

We know the kind of music they like today. They like rap, they like rock and roll, they like a lot of different music that relates to their age. But we have been able to plug into programming with the same music that is remiss of the filthy words and language and the negative reinforcement. Thus, with this television and radio station, we had an event called "True Love Waits," and we promoted it in a heavy way to see how many teens would come out to sign a little card that they would remain abstinent until they were married.

We had over 600 teens come out, sign a card, and say I am choosing the road of abstinence until I am married. This said something to us that we have got to provide alternative media that will result in influencing the young people in a positive way. We also use our radio station and television station to provide hands-on training to train young people how to run equipment and even let them produce their own programs to give them experience in the positive media.

In closing, I believe one of the keys to effective prevention is to bring together leaders in the religious community for the purpose of networking ideas, resources, and promoting faith and family. More than ever, we have to lay aside theological differences and realize that, together, we can prevent this problem. Yes, we need, I believe, a summit of religious leaders in every State that come together, that are active, that have dialogue, and want to do something.

There is a mix to the solution. The government needs to do its role. The local church cannot raise—well, the local church has raised its funds thus far, but to catch up with the amount and need that we are seeing, the government will have to help, I believe, every viable institution, including the church, that is willing to reach out to the kids.

A return to God, faith, and morality should be recognized as the key benefit that comes from including religious institutions as a part of the prevention process. Maybe we see an opportunity—and I think we have heard today already—we see an opportunity to tap into the power of America's pews, helping not only in prevention, but to bring us back to the principles that will lead us onto the road of recovery.

Thank you.

[The prepared statement of Reverend Hare follows:]

PREPARED STATEMENT OF REVEREND STEVEN HARE

Among the many approaches taken toward youth violence, there is a need for balance between punishment and prevention. Young people must be taught that with every right there is a responsibility, negative actions produce consequences.

While there should be penalties that get the attention of young offenders, we must focus our energies on finding innovative prevention efforts, that give lasting results.

Being in the religious community, I see many wonderful people active in their synagogues, parishes, and churches, beginning to express a greater concern for the youth violence in their own areas. As a result, some have endeavored to build facilities or design programs helping to provide a solution for this problem.

Recently we enhanced our outreach to the community with a program called "Project Restoration." Through "Project Restoration" we targeted an area that is known for its crime and violence, and held a huge block party with live music, free food, and special entertainment. This event attracted hundreds of young people and families from this neighborhood, giving our staff the opportunity to get to know many of them. As a result, there is now an ongoing program of activities and special events that bring out over 100 young people weekly from this neighborhood. Some of these youth have been challenging, however, it is clear that they have needed someone to care about and listen to them. In so many words, many of these young people were crying out for someone to provide structure and discipline, as well as, an opportunity to prove, that even though they are young, they can do something positive for their world.

This support, provided in a religious facility, has not only brought about a change of actions, but a change of heart.

We see first-hand the power and influence of television and radio upon our youth. They are provided with enough negative video and audio to not only insure and reinforce negative behavior, but legitimize it.

As an alternative to this negative media, our radio station WXHL 89.1 FM and television station WXHL–TV 14 provide positive programming targeting young people in the tri-state area. About a year ago, the stations promoted an event for teenagers "True Love Waits." There were over 600 teens who made a decision to choose the road of abstinence until marriage. We must do something in the way of providing alternative media that will result in influencing young people in a positive manner.

I believe one of the keys to effective prevention, is to bring together the leaders in the religious communities, for the purpose of networking ideas, resources and promoting faith and family. More than ever, we must lay aside our theological differences and realize that together we can prevent youth violence.

A return to God, faith, and morality should be recognized as a key benefit that comes from including religious institutions as a part of the prevention process. Perhaps we see an opportunity to tap into the power of America's pews, helping not only in prevention, but bringing about a return to the principles that will lead us on, to the road of recovery.

Senator THOMPSON. Thank you very much, Reverend Hare. That certainly proves that there is some good news to be mixed in with this terrible news that we have been hearing this morning. I want to talk in a minute about the great things that you are obviously doing as far as getting these kids on the front end, but before I get to that, Judge Kelly, obviously you had to make one of the most difficult decisions that anybody, judge or otherwise, ever had to make in dealing with these young offenders.

When the crime was committed, the offenders were 10 and 11, I believe?

Judge KELLY. Right.

Senator THOMPSON. You mentioned that they, or at least one of them, had had numerous encounters with the juvenile justice system, finally ending in a firearm possession just a few days before this event occurred.

Judge KELLY. Right.

Senator THOMPSON. We have these kids that we are trying to catch before they get into trouble, and then we have the hardened criminals who have done serious crimes. Then it seems like we have these kids who are getting into minor offenses and we don't have the facilities, I suppose, or maybe the court capacity to deal with them. But it seems like almost a certain—Judge Deacon talks about truancy being an indicator—almost as a matter of certainty, when you have kids that are doing the kinds of things that this young person did leading up to the big crime, he almost invariably is going to be leading to the big crime.

How do we—and Judge Deacon, also—how do we let these young people know they are not lost yet that there are consequences to violating rules of society before they have committed a murder, rape, mayhem of some kind? Is it a matter of attention, is it a matter of lack of appreciation for that stage of the process, or is it a matter of money and dealing with proper facilities?

Judge KELLY. Well, I think in the situation with these two particular boys, they had what we call station adjustments. In other words, they had been picked up by the police, but not formally charged or brought to court on any crime, until the gun case with the 10-year-old. Certainly, there were signs for both these boys that they needed some intervention. They both had problems in school from the time they started with this aggressive behavior, getting into fights constantly, and then the numerous police contacts.

There should have been, obviously, something done at this point. These two boys should have been targeted for some kind of intervention. Now, they weren't brought to court until the one gun charge and I think that that had something to do probably with the fact that they continued their delinquent behavior because there had been no consequences. They were brought in 8, 9, 10 times and they were just released to their parents. Nothing was ever done. One of the boys was supposed to go to counseling. He never showed up. Nothing happened.

Some of their delinquent behavior happened before they could even have been charged with anything, starting at 6 years old, and they can't even get into our juvenile justice system until they are 8. But, certainly, these two boys—there should have been something done prior to this leading-up, but I think the other thing is, too, that we have so many 8-, 9-, 10-year-olds that are engaging in delinquent behavior, it is hard to figure out which one is the one that is going to end up killing somebody or doing something, you know, like this. There are just so many children with guns at the age of 8, 9, 10 years old that, you know, I guess——

Senator Thompson. So many with guns at the age of 8, 9, and 10 years old——

Judge KELLY. Absolutely, absolutely.

Senator THOMPSON [continuing]. That the system can't handle it?

Judge KELLY. Not that we can't handle it. We get it in the system and that particular gun is taken away, but there are just guns everywhere. It is easy to get a gun. There are guns hidden in alleys in trash cans all the time. That is where the drug dealers keep their guns and the kids feel that they need them for protection. That is what they say, and in some situations they do. Every school

in my area has gang problems. If you are not a member of a gang, then you are subject to being targeted by other gang members.

Senator THOMPSON. Well, getting back to the question, what do we do to address, Judge Deacon, that situation where the crime is not that serious yet, but there is a pattern there that prevention is too late and incarceration is too early?

Judge DEACON. One of the best things, I think, that we have come up with is I sick the lawyers on them. I have got 13 attorneys that practice in my court who have volunteered as special juvenile court referees. They are assigned to elementary, middle schools, and high schools. They go out and they dedicate hundreds of pro bono hours a year sitting as referees, and they sit down with kindergartners and their parents, or 1st, 2d, 3d, 4th—I mean, any year where you have got a child who has missed 5 days or more, and we sit down with babies who have had babies. That seems to be the real problem, where they don't have an educational imperative——

Senator THOMPSON. You are dealing mostly with truancy matters there, right?

Judge DEACON. That is the best predictor, I mean, absolutely.

Senator THOMPSON. I want to get into that in a minute, but I am talking about another category, like the young man that Judge Kelly was dealing with—numerous encounters of fighting, disruption, maybe petty theft. Maybe truancy is a part of it. It is another category more serious than that.

Judge DEACON. Well, the real point is what are the parents' responsibilities here? I mean, every time they come into court, my question is not so much why the child did it, but why the parent or the responsible biological unit—why they allowed that behavior, and then I require some kind of plan to address it. We talk about children not making counseling appointments. I don't know how an 8-year-old could make one unless he had a responsible parent there.

The responsibility lies with not only the parent doing it, but the judicial system, after properly training and providing resources for the courts to do their job. I mean, that is where the linchpin is. That is where it all hangs together. I mean, that is the only enforcement mechanism you have got.

Senator THOMPSON. But it seems like nothing is being done—an obvious overstatement—not much is being done for these kids that are almost surely going to be getting in trouble, and maybe it is just a matter of the system is overwhelmed.

I was looking at Dr. DiIulio's testimony. We didn't get into this with him, but he pointed out that in 1993 alone, some 9,000 juveniles were arrested for violent crimes—murder, forcible rape, aggravated assault—in Florida. Nine thousand juveniles were arrested for those violent crimes, but at the end of 1993 there were only a total of 1,300 juveniles in secure custody in Florida. So you have got a revolving door there, even, apparently, so I guess the problem is even worse when the crime is not yet serious enough to even put them into the revolving door process.

Judge DEACON. There are some things that work, though, in that regard. We have had organizations recently in our community—— 100 Black Men, the Boys and Girls Club with their targeted case

management program, the school system with their after-school mentoring program. A local housing authority starts giving grants and awards to children for academic excellence and families receive gifts of free rent for sponsoring their children and improving their grades. You have got to be involved in the life of that child.

Senator THOMPSON. I want to get to that. You have shown there locally the various things you can do at the local level. I think there may be some Federal involvement in some of them. You can comment on that, but you have a truancy program where you have these attorneys doing some good things, I guess, for a change. [Laughter.]

Judge DEACON. I didn't say that, Senator.

Senator THOMPSON. They are going out, pro bono, dealing with truants. You have this volunteer organization that goes in and deals with troubled families where there are some indicators that they might be on the wrong road. You have a citation program, a teen learning center that is a joint effort between your—

Judge DEACON. The city of Cleveland the court, yes.

Senator THOMPSON. The city and the court, so it looks to me like an awful lot can happen at the local level if the local people involved will quit looking for somebody else to solve their problem for them.

Judge DEACON. Well, that is where it is at, sir. I mean, we can no longer look to you gentlemen to do that. I mean, I am sorry. It is our problem and we are going to have to be the ones that deal with it. You can provide us with some resources, and one of the real critical needs, as has been mentioned earlier, is the research and the access to training.

When I started out in 1990, we didn't have anything. The steps were county probation, State probation—well, the first was a warning, don't do that again; county probation; State probation; State custody. Then we turned right around after 4 to 6 months and put them back at home and we started the process again.

The interventions have got to be designed locally to solve local problems. What works in Washington, DC, is not going to work in Cleveland, TN, or Oak Park, IL, and we are going to have to come up with our solutions locally. That is where it has got to remain, sir.

Senator THOMPSON. Well, thank you. I was certainly impressed with Colonel Gordon's testimony. My time is up, but——

Senator BIDEN. You go ahead because I intervened before.

Senator THOMPSON. What aged young people are you dealing with here at the facility, 8 to 18?

Mr. GORDON. Primarily, 8 to 18.

Senator THOMPSON. How does it operate? Is it one big freestanding facility? I take it you have a gymnasium in there with a basketball court?

Mr. GORDON. It is probably about 12 different basketball courts. It is a huge gymnasium which has, half of it, classrooms and meeting rooms, but the gymnasium is an awesome, very large facility.

Senator THOMPSON. So you encourage them in there with the things that are fun to them and you require them to do some things that might not be so much fun, but they willingly participate?

Mr. GORDON. They believe in the community and they own the building. Their membership is predicated on surrendering their report cards. We are connected with the schools, so that if a child is failing, which few are now, they must go, for example, to either mentoring or one of the programs in the evening dealing with the course that they are failing so that they can continue on whatever team they are on. So it is a carrot and stick approach.

Senator THOMPSON. Are these the juvenile justice funds that you have assisted with?

Senator BIDEN. No, no. We have done that with juvenile justice funds in other parts of the State, but this was Colonel Gordon and the police department's idea and they did it all with their own funds.

I would like you to describe, colonel, for the chairman—give him a description of the value of the homes in the area in which this is located and the theory that you have talked about that this has to be a first-class facility.

What the social scientists are finding out—and there is a guy in Pittsburgh who has done this with art. If you put a Picasso in a neighborhood that is a ghetto as the picture hanging in the entranceway to the art school that you are providing for those kids, they will come in and not steal it. If you put a motel room rendering of a Picasso in that hallway, they will not come in and they will steal it.

Explain to the chairman the nature of the neighborhood in which this is located.

Mr. GORDON. This is one of the poorest communities in our county. That park that we took over had some old metal jungle jim equipment that was overgrown with weeds, and I have to tell you they did not believe that Government was going to come in here—they thought we were Government—and put up a building as we described and illustrated on a photograph.

Senator BIDEN. Do you have the photograph with you?

Mr. GORDON. I do not.

Senator BIDEN. OK.

Mr. GORDON. It isn't a prefab building. It is stone; it is a very beautiful building. As I said, you probably could have built it for $1 million. With $3 million, we were able to get everything that was first-class so that we would convince them the facility——

Senator THOMPSON. How in the world did you sell that concept?

Mr. GORDON. Well, I think it is easy in Delaware when you talk about the population of the minority community that is now incarcerated. If you are a corporation, it is not too much longer and you are going to have a real problem in this whole State, and especially in the city, where most of the corporations are.

We said that what we can guarantee is we, the police, have the ability to do a lot of things that nobody else does in the area of what they are concerned about, incarceration, and if we are willing to stake the time and effort to try to do it differently—it took a while; it took several years to convince them. It didn't happen the first year. Actually, the guy that is in charge of our foundation, Longwood—actually, it was the day after Rodney King. He said something has to be done between the police and the community, and that is what got the first $1 million, to tell you the truth.

Senator BIDEN. If you don't mind the interruption, colonel, to drive into this facility, you have to drive through the neighborhood where cars are jacked up on the front lawn, where there is not one dwelling that is two stories—a number of them have boarded up windows where people are, in fact, living still in the facility—and where other homes are pristine and perfect and clean and the lawns are manicured.

To get to this facility, which is the finest gymnasium other than the one at the University of Delaware—literally, the finest gymnasium—if they could put in a door that cost $100, they put in one that cost $200. If they could put in a floor that cost $20 a square foot, they put in a floor that was $30 a square foot. You have to go through this neighborhood; it is at the end of a cul-de-sac. There isn't any way out. You can't get from that facility to a highway without going back through the neighborhood.

Mr. GORDON. The biggest problem we have is they will try to barricade the doors occasionally at night so they can sneak in and play basketball. Not one blade of grass has been harmed. They will complain if someone else comes in the neighborhood, and they are complaining about cigarette butts.

Senator THOMPSON. Do you know whether or not this has been replicated in other parts of the country?

Mr. GORDON. No. The Police Athletic League is a national organization, but no one has ever built a center. They usually work out of schools, and that works, but it is usually only athletics. Athletics without the educational component—it doesn't do you any good to teach a child how to play basketball really well if that is all they are going to do for a living because they are not going to get into the majors.

We took the best of everything—the Boys Club, Big Brothers, Big Sisters—and combined it into a facility where the police was the major component, and the second major component was that they had to—and they always think we are still going to come in with fees and make money off it. It is their education that we were concerned about, and I think the major thing is it is the hub of the community and the community—actually, I made a mistake when I first hired—and I tried to go and I hired a woman who happened to be white from Sussex County to be the teacher. That was a mistake.

The community wants the ability to teach their own kids. They don't want a hand-out, but a hand. They needed an opportunity to have a facility and the resources, and we found that there were educated community members who are now spending the time preparing their own kids who are not getting the education in the system and it is working out very well. We stopped telling them what we think they need and they now tell us, or ask us if they need anything that we might be able to help them with.

What we were able to provide is an awful lot of mentors from both the police community and the private sector. Some of the big corporations allot as many as 20, 30, 40 mentors who come in on a regular basis to be with the kids. That is kind of from Big Brothers-Big Sisters, and we really didn't think of anything. We kind of, I think, took something from everybody.

Senator THOMPSON. What town is this located in?

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Mr. GORDON. New Castle County.

Senator THOMPSON. How large a town is this?

Mr. GORDON. It is a 400,000 population.

Senator THOMPSON. A county?

Mr. GORDON. The largest of the three counties in Delaware.

Senator BIDEN. It is, Mr. Chairman, caught on the cusp between the poorest, roughest section of the city of Wilmington, which we call across the 3rd Street Bridge, and the most beautiful, oldest, but yet also one of the roughest towns, a combination of both, old New Castle, which is 350 years old. It is a beautiful old town, but it has some very rough neighborhoods, and it is this stretch of highway that has been basically no man's land that has developed. When blacks moved into the county, they moved into this area which was basically dilapidated housing that was vacated by whites moving further out into the suburbs, and it has become basically caught in the no man's land.

Senator THOMPSON. How far do kids travel? Do some of them travel quite a ways to get there?

Mr. GORDON. I would think it is the surrounding 2 miles that are feeding off of that right now, but we actually have them coming in from the city. We utilize the entire building for much of the week, so we will have basketball teams come in from the city and all over the county, you know, and this brings in a lot of the white population into the area because they don't have a gymnasium like that.

Senator THOMPSON. I was just wondering for a larger community, how much you could realistically expect to draw from, especially when we are dealing with younger children and transportation problems and that sort of thing.

Mr. GORDON. When we get this——

Senator THOMPSON. We can talk about that another time.

Mr. GORDON. What we lack, I think, is we need more time. We argue that five or six of these strategically placed throughout Delaware and you can stop building prisons because it is a simple formula. Very few kids are predisposed to be criminals. They become criminals for lack of leadership, for lack of direction, mentors, and places to play.

Senator THOMPSON. Let me ask you one more thing and I will quit. In your testimony, I think, earlier on an occasion with Senator Biden you were talking about bringing these kids into the penal system and then sending them back home to the same kind of situations, and you were talking about perhaps the need for orphanages. I think maybe you used the term baby orphanages, maybe. I have often wondered about that. No matter how good a job you do, if the home situation is not as it should be, it is going to be a constant problem.

The word orphanage has a bad connotation, but I think a lot of people are beginning to think about the concept, if you do it right and do it humanely and properly. Is it not better to start thinking about alternatives to putting a child into a situation in which mama is a dope addict and is probably not going to change.

Mr. GORDON. Well, I guess this is their home away from home. I don't know about a 24-hour—I do feel bad. There are some that I feel bad that we are sending them home at 10 at night, knowing both parents are addicted to some kind of a drug. Many don't have

parents at all. It is their extended family. Some are living in motels, and the most we can do is try to reassure that an adult is there.

We try to focus on not so much that, but what we can do with them when we have them and try to make that quality time. Every kid has a specialty. I haven't found any yet that you can't develop either a computer skill, a karate skill, a dancing skill. We have choir, we have the whole gamut. I haven't found one child yet that if you improve upon his or her attribute, you won't keep them out of trouble.

Then I would just end with this. The major has convinced me that—everyone is worried about the minority African-American male. You invest in the young girls and you get them all into college and all of their offspring will be going to college. I believe that.

Senator THOMPSON. Thank you very much.

Senator Biden.

Senator BIDEN. Mr. Chairman, I want to make it clear in inviting Colonel Gordon here that I don't believe that you can replicate that system in Chicago. I don't think you can replicate that system in New York the same way. I think it does work in the kind of county we are in and in the kind of State we are in. It may or may not work in Chicago.

I know I am not suggesting, and I don't think Colonel Gordon is suggesting, if we heard the beginning of his testimony, which was each State has a different need, each locality has a different requirement—as Judge Deacon knows and you know and you know better than most, Mr. Chairman, violent crime is rising faster in rural America than it is in urban America. That is why when we put the rural crime prevention portion in and rural crime moneys in the crime law. When I said that 6 years ago, I got panned, but it was true then and it is true now.

I would like to speak to three things. Because I get a chance to speak to Reverend Hare and Colonel Gordon all the time, I would like to ask some questions, so I can learn something, to Judge Kelly and Judge Deacon, although Judge Deacon's circumstance and county is not fundamentally dissimilar than my State. Chicago is fundamentally dissimilar.

I would like to raise four issues for the judges, and I realize you have very different constituencies, very different areas, and I do know a little bit about Chicago. I don't pretend to be an expert, but I am familiar and have worked very closely with your mayor on drug enforcement issues and justice issues.

No. 1, I will cite the thing that I do know, but acknowledging what I don't know. I do know all the statistics. I don't have the empirical evidence sitting in front of me like you two do. I don't have the experience that you have, and I often wonder whether there is a miss between the lip and the cup. I find myself being able to spout with alacrity, and most of the time with accuracy, all these statistics because I am inundated with them by majority and minority staff here that know them as well.

But I sometimes wonder after I go through one of these spiels, when I am making a speech or trying to convince someone on the floor—I literally walk back to the office or ride home on the train and think, I wonder what that means. So I am going to ask you

what it means, OK, and I want to just plumb four areas and just do it briefly.

One of the statistics that I am aware of is that if you go to any school of social science in America, whether it is the University of Tennessee or whether it is the University of Pennsylvania or the University of Chicago, there is a norm that is accepted; that is that no one can handle a probation load, a caseload—a probation officer—with any degree of prospect of success if there are more than 35 people.

That is kind of the term of art, Mr. Chairman. They say, OK, 35 people, and that is what the social scientists over the last 25 years have said is the caseload that you can physically handle and be able to really have some oversight, meaningful oversight. Nationwide, the average is 157 cases, 157 people convicted of something, that are on the docket per week of the average probation officer in America. In Chicago, my guess is it is more like 400.

Judge KELLY. Not in the juvenile system.

Senator BIDEN. Not in the juvenile system?

Judge KELLY. Not in the juvenile system. I have been very impressed, actually, by the probation officers, both their qualifications, their dedication, and the way that they work, much different, much different than the adult system. Their caseloads for my probation officers—and I have 18 for my courtroom just in my small geographic area—run around 50.

Senator BIDEN. OK.

Judge KELLY. They were up to around 60 at one point. I have just received some new probation officers.

Senator BIDEN. Well, that is very helpful information. Now, my question is this——

Judge KELLY. But that is still way too much.

Senator BIDEN. The second piece of data that the experts tell us is that your point, Judge Deacon—I will use the fancy university phrase. We need to take a holistic approach to these kids. It is not enough just to get them in the system. It is not enough just to sentence them. You have to look at the family, you have to look at the school, you have to look at all of it, and that is an easy thing to say and we say it again with such ease, and we sound like we are pretty educated and we say "the holistic approach."

To translate that into the everyday terms of what you have when you—as they use the phrase, where the rubber meets the road, with you being where I am and the client down there—it seems to me that the experts say that there is no reasonable prospect of success as it relates to diminishing recidivism in the criminal justice system, in drug use, and any other recidivist activity, absent follow-up.

Judge DEACON. A child comes into court and I say, you have been sentenced and I don't want to see you again unless you screw up, but I review anywhere from 30 to 60 to 90 days out.

Senator BIDEN. You do?

Judge DEACON. Yes.

Senator BIDEN. Now, you are in Cleveland, TN.

Judge DEACON. Yes, sir.

Senator BIDEN. Colonel Gordon's PAL center works in New Castle County of 400,000. The ability of you to review every 30 or 60

or 90 days everyone in the Chicago system, I respectfully suggest is not real likely unless the State legislature is willing to quadruple the number of you and quadruple the number of those folks out there. So there are some economies of scale.

For example, the city of Philadelphia, which I know extremely well—Lynne Abraham, whose name was mentioned earlier, prosecutes more felonies in 1 year than the entire Federal system, and the entire State of Tennessee, I might add. She prosecutes, actually takes into court, over 29,000 felonies a year, and guess how many cases she has outstanding. My recollection is it is close to 40,000—40,000 people who are supposed to have been tried who don't show up for trial. Chicago, I expect, is roughly the same.

Judge KELLY. Our juvenile system alone is more than that.

Senator BIDEN. Right.

Judge KELLY. Right.

Senator BIDEN. So when we talk about us sitting up here trying to fashion something, I like to think we are both reasonable men. We are friends. We are willing to work together, and we sit here and say, federally, now, how are we going to fashion something that can be of any utility to you all out there. I mean, how do we do that? So I am just trying to get some basic principles established here, if they are right.

One is no matter what the size of the constituency that would be benefiting or not benefiting from State, local, or Federal Government action, one of the essential ingredients is the ability to have a followup mechanism, whether it is having a caseload small enough, although you have 10,000 people, you said, in your system——

Judge DEACON. Well, juvenile cases, 2,100 charges involving some 1,100 kids.

Senator BIDEN. OK.

Judge DEACON. I disposed of 1,280 of them last year.

Senator BIDEN. All right, 1,280. Now, I suspect that every single solitary juvenile judge in your jurisdiction, Judge, has at least 1,280 cases before them.

Judge KELLY. Many more than that, many more than that.

Senator BIDEN. So what I am trying to get at here is it seems to me that—is it true that your ability to succeed with a juvenile in front of you has some direct relationship to your ability to hand that juvenile off that involves followup beyond more than a presentence report? Is that right?

Judge KELLY. Definitely. There is no question about it.

Senator BIDEN. The second principle I want to raise, because I don't know where this leads for certain, OK—the second principle is both of you said that—and I know Colonel Gordon's position in this—answering the question of the chairman, what about that kid who is really the first time—and usually when they appear on somebody's screen, it is not the first time they did whatever they did. I mean, it is highly unlikely it is the first time. Statistically, whether it is smoking dope or skipping school, the first time they get on somebody's screen is usually, probably, their 2d, 3d, 4th, 10th time, OK, but they are on the screen. Now, what do you about that kid?

James Q. Wilson, who was referenced here today—I think I have read everything he has written in the last 10 years. James Q. Wilson has a theory that—he would not characterize it this way. I will characterize it. I call it the broken window theory. He did some experiments in Kansas City where they actually took these old, abandoned factories, that have thousands of individual pane glass windows, you know, the little jobs, and they actually—and this was an actual study—they throw a rock through a window, break one of them, and then not repair that broken window for a couple of weeks.

When they didn't repair it for a couple of weeks, all the windows got broken out, but when, the next day, someone went up there on a scaffolding and repaired that window, guess what happened? It was another 6 months before a window was broken. Don't hold me to the 6 months. I call it the broken window theory, the broken pane theory, and that is if you react immediately—the only thing I have been convinced of over 22 years of dealing with this is that there has to be a swiftness and a certainty to the sanction; not a severity to the sanction, a swiftness to the sanction.

Again, I keep quoting my mom. I am beginning to feel like Phil Gramm, who is a friend, I might add. My mom says, look, it is real simple. If you tell your kid not to walk across the highway because it is dangerous and the first time she walks across, you don't do anything, and the fifth time they walk across, you don't do anything, and then you sanction her or him the sixth time, they will probably still do it a seventh and eighth time. But if you hit them the first time—not hit them physically—if you nail it the first time, you diminish in a significant way the prospect of the second and third time.

Now, here is my question. There is a very controversial provision—I don't want to blind-side you here—there is a very controversial provision in the crime bill. It provides money for what we call drug courts. I worked very hard on this and it is very controversial. One of you mentioned the number of people, or maybe the chairman mentioned—Professor DiIulio mentioned 30,000, or whatever, violent criminals, or 9,000 who nothing happened to them.

I will give you another number. In the State court system 2 years ago—I guess it was 3 years ago—1.4 million first-time drug offenders, not all juveniles, were arrested and convicted—not arrested, convicted—1.4 million convictions in the United States of America, nonviolent, first-time drug offenders. 800,000 of them received some sanction, even if the sanction meant they had to show up and see a probation officer once—600,000 of them, not a single solitary thing happened—no probation, no parole, no incarceration, no sanction whatsoever—all, in my humble opinion, accidents waiting to happen.

Like you said, Judge, we know certain things. A predictor of delinquency is truancy. A predictor of recidivism and serious drug problems is the first-time use and no sanction because that convicted person probably has been using for some time in most cases.

Now, the drug court system is designed to do the following. It requires a sanction for every one of them, and the sanction is that—the States set these systems up, the Federal Government funds

them. The Federal Government has nothing to do with the running of them, but here is how it works. In order for the State to get the money, they have to show they have a system whereby there is absolute sanction, even though it may be probation. The sanctions run like this. One, if they are in school, they have to stay in school. Two, if they have a job, they have to keep the job. If they don't, if they lose their job, no questions asked; they go to a boot camp. If they drop out of school, no questions asked; they go to a boot camp.

Two, random drug-testing, random drug-testing; three, counseling, reporting to a probation officer, a specific spot, a specific time, a minimum of twice a week—even if you get no counseling, just reporting, showing up twice a week. In the places where they have done it—that is, Delaware and Dade County, FL—the rearrest rate has dropped from 33 percent to 3 percent, 3, t-h-r-e-e.

Now, is it your experience that if you are able to give a swift sanction and follow it up, your likelihood of having that person back before you is significantly diminished, or is that just so much hokum that I have kind of thought up and been convinced of by the experts?

Judge DEACON. Senator, that works. We have a school-based probation program. The old rule was that the probation officers stayed in the courthouse all day until the kids got out of school and then they came to the courthouse and they met afterschool hours. Ours are in the schools. Every child that comes through court is on probation if they are convicted of the offense. As soon as they come through court, they have to read the rules of probation, letting us know that they understand them, and they are on curfew. They are assigned to their parents. They can't be out on the street.

Senator BIDEN. Are you seeing results, though, and not seeing them back before you? I mean, I am not looking for statistical data, but I mean just——

Judge DEACON. I don't want them back in court if I can avoid it.

Senator BIDEN. I know you don't.

Judge DEACON. So I put it out there 30, 60, 90 days, but I get the youth service officer to come back and say, we need to put the child back on, we have got some problems. Most of these problems are not child problems. They are parent problems. The child is not getting to the counseling like he needs to be. The child is not getting the medical attention he needs. You know, the most dangerous person in the household, mama's boyfriend, is in there doing some things that are inappropriate. You know, these are the kinds of problems.

Senator BIDEN. Is it working, Judge, though?

Judge DEACON. It works when you are there and they know that there is a consequence. You have got an expectation of their appropriate behavior. You put the responsibility on them for appropriate behavior and there is a direct consequence. We have managed to cut the number of commitments to State custody by having a whole continuum of interventions.

Senator BIDEN. Is that your experience, Judge Kelly?

Judge KELLY. Well, I would like to say it is, and I feel that I do make sure that the kids know that there are consequences. If a child is rearrested, he comes and sees me again and he knows that,

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and that word gets out to the community. I give a kid probation on the first time and they are assigned a probation officer and they are given the same conditions. You have a curfew, you have school, you have to do this and that. I would like to say it works. Sometimes, it does, but I see an awful lot of reoffenders.

In my particular community that I deal with, the problems are so overwhelming. You know, there is a drug dealer on every corner. They have no role models, the usual gamut of problems. I would like to say that, you know, the fact that I am there and that I make sure there are consequences works, but I have to say that I get an awful lot of kids get arrested over and over and over again.

Senator BIDEN. Your ability to enforce the consequences, given the limited resources that are out there for you, is not as——

Judge KELLY. No. I mean, I try to enforce the consequences. If they get picked up again when they are on my probation, they get locked up until their hearing, and they know that and it happens. But for some of these kids, being locked up in our detention center is not any worse than going back to Rockwell Gardens housing project where there are cinder block walls and graffiti. At least they get three meals a day. So for some of them, being locked up isn't that bad and in their reality, half their friends are up there.

Senator BIDEN. I have one more question, with your permission, Mr. Chairman.

Senator THOMPSON. Sure.

Senator BIDEN. I want to just give you one little piece of anecdotal evidence. My wife, as I told you, was a public schoolteacher. She took her class—she now teaches at the college level after 17 years in the high school. She took a class—she thought it would be good to take them down to Smyrna Prison—actually, Gander Hill—from a high school my Delaware friends know about and I won't mention because it will make it seem as though this high school is a bad high school. It is not. It is no different than any of the rest of the high schools.

She took her class down—this happened to be her remedial class—down to the prison so they could see what it was like. She was dumb-founded. On the way back on the bus, of the 24 or 25 kids she took, 22 had already been there; 15 of them had a relative in there.

Senator THOMPSON. They could have taken her.

Senator BIDEN. They did, they did, and there was no social ostracizing or sanction for being there. It was more a badge than it was a problem, which leads me to my last question. Maybe I have listened to too many of the criminologists for too long, but there is an interesting statistic and it is part of the debate we are having and we will have in the Congress. It is not a political debate in a partisan sense. It is a legitimate debate and I am not sure whether we are not able to resolve it because we don't all have the same knowledge base or it is because, even with the same knowledge, agreeing on the basis premises, we would not reach the same conclusion for philosophic differences. I suspect it is the former.

Let me give you this statistic that we can prove. Two years ago, there were 300,000 children born—and it has been that trend—for the last 6 years, on average, 100,000 children are born every year—at the time that the cord was cut—at that moment, that child was

addicted to a controlled substance because the mother was addicted, most of them polyabusers, a very complicated procedure. They may, because of parachutes they sell on your streets—you know what a parachute is; most people don't.

With cocaine, users get a high too quick, so they take crack cocaine and they lace it with heroin, so the middle of it is heroin. This gives the effect of a 60-second phenomenal rush as the cocaine pierces the membrane of the brain and gives that great high, but what they figured out on the street, these chemists, is that the down is so down that that is why people binge on crack cocaine. The depression is so serious that it has real consequences, so they figured out how to mellow it out. It is like a curve, like economists, you know, talking about the economy. They lace the crack with heroin and so the down is more like a slow down. It results in polyabuse, someone addicted to an opiate, which is not a stimulant, and someone addicted to a stimulant, like cocaine.

Now, 100,000 kids a year. The studies showed—we got a little bit of good news on it—that those kids—and when this started, the crack epidemic which Pat Moynihan predicted, talked about, lectured about—no one paid any attention about it when it was starting in the Bahamas. You have got over 175,000 kids in New York City alone, so my guess would be 100,000 in Chicago under the age of 15 who are flat out drug addicted. Did you hear what I just said? 175,000 kids under the age of 15 in New York City alone that are drug addicted.

What they found out was these kids born drug addicted have—and don't hold me to the numbers; my staff will submit it for the record; they know it better than I do—something like 2, 10, 20 times greater chance, whatever it was, of not being able to focus. I know this sounds like I am being one of those liberal sociologist types. They do not bond. When the mother tries to hold the child, the child does not bond because the child cannot, physiologically cannot, and they are the same kids that don't know how to socialize.

Senator Moynihan predicted we would see these kids—when they hit grade school, we would see the rate of violence increase. Guess what? This guy has been sort of clairvoyant. A lot of you think he may be quixotic, but this guy is kind of clairvoyant. He is the same guy that talked about benign neglect. He was talking about 15 percent of the minority population in the cities would be the cadre of violent offenders.

If you go back and think of what was the time in your life when you walked out of your parking lot, Judge Kelly, and before you got in your car, you looked under the car and you looked in the back seat or you went to the shopping center—when was the first time you started doing that? I will lay you eight to five it was the early 1980's. I will lay you eight to five. Purely coincidentally, that is when this cadre of unsupervised minority inner-city kids that he talked about in benign neglect turned 13, 14, 15, and 16. They are predicting the same thing is going to happen now in first, second, third, and fourth graders. The rate of truancy is up. The rate of all these things is up because these kids have not developed fully, they say.

My question to you is this. Is that just so much sociological and psychological hokum or are you seeing that in your courts?

Judge KELLY. Absolutely, I am seeing that all the time, and much more aggressive behavior. The 10-year-old involved in this case, I am sure, was a drug-addicted child and he came from two parents who were substance abusers. His father was in prison, actually, at the time of this offense. It is just aggressive behavior, hyperactivity. They can't focus; lots of behavioral problems; many, many more children with learning and behavior problems in behavioral disorder classes. There is no question about it.

Senator BIDEN. All of us up here who are well educated—and I know the public doesn't think we are, but the highest degree of education achievement, believe it or not, of any profession in America is right here in the U.S. Congress. Two Congresses ago, we elected 123 Congressmen—69 of them had advanced degrees. Something like 51 were from Ivy institutions. There are more Rhodes scholars in the U.S. Senate as a percentage of that population than any other population. Unfortunately, we are educated. I used to think before I got here all you had to do was elect better educated people. That is an easy answer. That is not the problem. I mean this sincerely. I am not joking about this.

One of the things that I find that disturbs me the most of what is happening now is that these very kids that you are talking about affect policy things. Judge, you understandably are kind of down on—which you should be—on Federal mandates, but let me tell you something. If we don't focus on prevention and drug treatment for those down-and-out drug addicted mothers—do you realize that of the 300,000 women who are drug addicted carrying a baby this year—and that is how many are carrying one—that even if they want to, only about 40 percent can get in a drug treatment program?

Tell them, Judge, if someone walks into your court—a woman walks into your court and she is pregnant, has a big belly, and says, Judge, I am doing bad things, I am main-lining, I am chasing the dragon, I have got a real problem, I want treatment. Are you able to get her into a treatment program?

Judge KELLY. Not at all, not at all.

Senator BIDEN. Bingo. Now, all this talk about how we are going to force people into treatment is malarkey.

Judge KELLY. That is the one segment of the population that there are not enough treatment programs for, are pregnant women. That is the hardest person to get into a program.

Senator BIDEN. You can't get them in a program.

Judge KELLY. Now, you have got two people that are addicted to drugs, not just one.

Senator BIDEN. Right. The reason I ask you these very basic questions is we are making policy up here and we have to decide, of the $13.4 billion we spent on drugs last year, and drug enforcement, across the board—that is what it cost, every program; that is what we spent—whether or not we should be spending more money on interdicting Colombian drug cartels or should we be spending money on putting these 300,000 women, not all of whom want in, but a lot want in who can't get in, into treatment pro-

grams. So I am glad to hear your testimony because it jibes with the statistical data.

The last piece of that is—and I promise I will stop, Mr. Chairman, because these are hard questions, I mean for us to decide what to do with the resources we do have, knowing how limited they can be. You both said—and I know, again, from Colonel Gordon and Reverend Hare, because he is the guy that gets it—you think you get it; he gets it before you get it. He gets it in his congregation. This guy set up a drug treatment program in his evangelical, what would be referred to by most people as fundamentalist Christian church, and he gets it first. You get it next, or maybe the chief gets it next. Then you get it and then the prison system gets it and the public gets it, and it is this.

You all said that children abused become abusive. The entire premise of the legislation that I wrote called Violence Against Women was just that. If you don't intervene immediately and get that woman who is being violated and abused domestically and give her some support system to somehow give her an alternative to get out of that, is it your experience as practitioners sitting on the bench that the kids who are the abusers, the kids that are acting out violently—what would your educated guess be of the percentage of those who are not necessarily physically abused themselves, but watch their mothers get abused?

Judge DEACON. Every one of them. There is no doubt about violence begetting violence.

Senator BIDEN. I have never been as good a trial lawyer, although that is what I did do for a while, as the chairman, but I rest my case. I don't have any more questions. I mean, I just think we have got to figure out how the devil to divert that piece.

Judge DEACON. Senator, you misunderstand when I say that I don't believe in mandates. I don't believe in flexible mandates that are bureaucratic contrivances.

Senator BIDEN. I am with you.

Judge DEACON. The policies need to be clearly set out, and as long as the States and the regions and the local communities can come up with plans that they developed within that unit and they say, we need help down here, we don't have it on a State level, we need some Federal assistance and we are willing to enter into an agreement for a certain period of time—and if at the end of that period of time, if we are not successful, then cut us off at the knees. That is the way it ought to be.

Senator BIDEN. I agree.

Judge DEACON. My heart goes out to the judges in the metropolitan areas, but those solutions wouldn't work in Bradley County, TN. They wouldn't work in the other 60 percent of the country, but I think it is up to us to develop them. I think we are going to have to be proactive in developing these interventions.

Senator BIDEN. Again, Mr. Chairman, I thank you for indulging me as long as you have and for you taking such an interest in this.

Senator THOMPSON. Not at all. You know more about this subject probably than anybody in the Senate, and it just shows how severe and intractable this problem is. So many have been trying to deal with this for so long and we are not going to come up with any

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magic, new answers, but we are going to continue focusing the spotlight on this and doing the best we can because we must.

Senator BIDEN. What is the old expression, Mr. Chairman, that Dr. Samuel Jonson used a long time—I am very careful to credit people for what they say. [Laughter.]

I think it was Dr. Jonson who said, and I will paraphrase, there is nothing like a hanging to focus one's attention.

Senator THOMPSON. Yes.

Senator BIDEN. Well, I think that what has happened is the American public is witnessing a hanging and maybe we are about to really do something, but I think you summed it up last time, Reverend Hare, best of all when you said:

> I teach our congregation that we are our brother's keeper, that we are responsible for the hurts that are going on around us, regardless of race, color, or creed, or whatever religious choice there may be.

I mean, that is the ultimate message of all this. The question is how do we practically not screw it up, those of us who sit up here. I am glad you have your jobs. I wouldn't take any one of your jobs on a bet. Thank you God you do it.

Senator THOMPSON. That is a good place to finish. Thank you very much. The subcommittee is adjourned.

[Whereupon, at 1:31 p.m., the subcommittee was adjourned.]

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ISBN 0-16-054163-8

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